



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.02.2015

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRA BAABU

W.P.(MD) No. 18291 of 2014 and
MP(MD)No.1 of 2014

P.Subramani

... Petitioner

vs.

1.The Registrar of Cooperative Societies,
170 EVR High Road,
Kelpauk, Chennai.

2.The Joint Registrar of Cooperative Societies
Collectorate, Thanthunimalai
Karur District.

3.The President,
R240 K.N.Pudur Primary Agricultural
Cooperative Credit Society,
N.Pudur, Nanniyoor Post,
Karur District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 3rd respondent in his proceedings No. nil dated 21.05.2014 and quash the same as illegal and consequently direct the respondents either to reinstate the petitioner in service or to pay 100% subsistence allowance within a period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkateshkumar for
M/s.Ajmal Associates

For Respondents : Mr.S.Kumar
Additional Government Pleader

O R D E R

The petitioner is aggrieved against the order of the third respondent dated 21.05.2014, whereby the subsistence allowance being paid to the petitioner in pursuant to the order of suspension has been reduced to 50% from the month of May 2014 on the ground that the petitioner has not cooperated with the disciplinary proceedings.



2. Heard the learned counsel appearing for the petitioner and Mr.S.Kumar, learned Additional Government Pleader, for the respondents and perused the materials placed before this Court.

3. It is seen that the petitioner was working as a Secretary in the third respondent Society and was placed under suspension on 21.11.2012. The petitioner challenged the suspension order in W.P.(MD) No.9 of 2013 and the same was dismissed by this Court on 10.01.2013. Thereafter, the writ appeal filed by him was also dismissed by this Court in W.A.(MD) No.135 of 2013. Subsequently, the petitioner filed another writ petition in W.P.(MD) No.4149 of 2013 seeking for payment of subsistence allowance. Though the writ petition was dismissed on 18.03.2013, in Writ Appeal preferred against such order in W.A.(MD) No.348 of 2013, a direction was issued to the respondent on 12.06.2013 to pay the subsistence allowance. Consequently the subsistence allowance was paid to the petitioner initially with 50% and thereafter, 75% and finally from 20.05.2013 onwards with 100%. Now, the present impugned order is passed only on the reasons that the petitioner has not cooperated with the enquiry.

4. It is contended by the petitioner that the non-cooperation of the petitioner with the disciplinary proceedings is not wilful or deliberate, but only due to the reason that the respondents have not furnished necessary documents as sought for by the petitioner. It is also stated that the petitioner filed another writ petition in W.P.(MD) No.15175 of 2013 seeking for furnishing of necessary documents.

5. It is stated that in the said writ petition, an order came to be passed on 04.09.2014 giving liberty to the petitioner to submit a representation to the third respondent seeking for furnishing of documents and further direction to the respondents to furnish those documents within a period of three weeks. Therefore, it is submitted that in spite of giving such representation, the respondents have not furnished all the documents and furnished only few. Therefore, it is contended by the petitioner that the present impugned order is passed without considering all these aspects.

6. The third respondent has filed a counter affidavit and reiterated the contentions raised in the impugned order.

7. Considering the above stated facts and circumstances and considering the fact that the grievance of the petitioner is that not all the documents as sought for by the petitioner were furnished to him and only few documents alone were furnished, I am of the opinion that the matter has to be re-considered by the third respondent once again by taking note of all the above stated facts and circumstances.



8. Accordingly, the writ petition is allowed; the impugned order is set aside and the matter is remitted back to the third respondent for passing fresh orders, after giving due opportunity of hearing to the petitioner. Such exercise shall be done by the third respondent within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

1.The Registrar of Cooperative Societies,
170 EVR High Road,
Kelpauk, Chennai.

2.The Joint Registrar of Cooperative Societies
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Karur District.

3.The President,
R240 K.N.Pudur Primary Agricultural
Cooperative Credit Society,
N.Pudur, Nanniyoor Post,
Karur District.

+One cc to M/s.Ajmal Associates, Advocate, SR.No.6202

+One cc to The Special Government Pleader, SR.No.6800

RR

RL/6 c- 24/2/2015

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