



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2015

CORAM :

WEB COPY THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition (MD) No.20879 of 2014

R.Rameshkumar

... Petitioner

Vs.

1.The Registrar,

Office of the Registrar of Co-operative Societies,
No.170, N.V.N.Maligai,
E.V.R.Periyar High Road,
Kilpauk, Chennai 600 010.

2.The Additional Registrar/Managing Director,

Tamil Nadu Co-operative Union,
No.170, N.V.N.Maligai,
E.V.R.Periyar High Road,
Kilpauk, Chennai 600 010.

3.The Co-operative Sub Registrar/Special Investigation Wing

U/s.81, Enquiry Officer,
Office of the Registrar of Co-operative Societies,
No.170, N.V.N.Maligai,
E.V.R.Periyar High Road,
Kilpauk, Chennai 600 010.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the 2nd respondent in his proceedings in R.C No. 6676/2011/D1 dated 13.05.2014 and quash the same and further direct the respondents to reinstate the petitioner with all consequential and monetary benefits.

For Petitioner

: Mr.M.C.Swamy

For Respondents

:Mr.S.Kumar,
Additional Government Pleader.

ORDER

Heard the learned counsel appearing for the petitioner and Mr.S.Kumar, learned Additional Government Pleader who takes notice on behalf of the respondent.

2.The petitioner was functioning as a Principal of Lalgudi Co-operative Polytechnic Collage, Angarai, Lalgudi, Trichy. He was placed under suspension through the impugned order dated 13.05.2014 on the ground that the enquiry into grave charges against him is contemplated. The said order is challenged in this writ petition by stating that even after issuance of the order of suspension, till this date, no charge



memo was issued against the petitioner and he was also not paid subsistence allowance.

3. On merits, the petitioner contended that certain false allegations were made against him with which he is totally unconnected. As the order of suspension is passed only by stating that an enquiry into grave charges is contemplated, this Court is not inclined to go into the merits and the contentions raised by the petitioner in respect of the allegations said to have been made against him. However, the fact remains that the order of suspension came to be passed on 13.05.2014 and till this date, the respondents have not proceeded further against the petitioner by issuing charge memo or conducting any enquiry.

4. In fact, this matter was adjourned on three occasions only for the purpose of getting instructions from the respondents through the learned Additional Government Pleader. Today, it is represented by Mr. S. Kumar, learned Additional Government Pleader that in spite of his repeated communications, the respondents have not come forward to instruct him so as to appraise this Court on the merits of the matter.

5. Considering the above stated facts and circumstances, this Court is of the view that the petitioner cannot be placed under prolonged suspension without completing the disciplinary proceedings if any to be conducted against him by the respondents.

6. Accordingly, this writ petition is disposed of with the following directions:

a) The respondents are at liberty to proceed further against the petitioner by issuing charge memo by conducting disciplinary proceedings.

b) If they choose to do so, such disciplinary process shall be conducted and final orders shall be passed within a period of four weeks from the date of receipt of a copy of this order.

c) If no disciplinary proceedings is initiated and final order is passed within the time stipulated by this Court, the petitioner is entitled to be reinstated into service automatically.

d) The petitioner is directed to co-operate with the enquiry if the respondents conduct the same as stated supra.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Per Admn.)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Registrar,
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+1cc to Mr.M.C.Swamy,Advocate, SR.No.5557

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sms
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