



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2015

CORAM:

THE HONOURABLE MR. JUSTICE K. RAVICHANDRABAABU

W.P. (MD) No. 2998 of 2015 and MP (MD) Nos. 1 and 2 of 2015

WEB COPY

N. Ganesan

... Petitioner

Vs.

1. State of Tamil Nadu,
Rep. by Principal Secretary to Government,
Co-operative and Food Consumer Protection,
Fort St. George, Secretariat,
Chennai-600 009.
2. The Registrar of Co-operative Societies,
Chetpet,
Chennai - 600 010.
3. The Joint Registrar of Co-operative Societies,
Thanjavur Region,
Medical College Road,
Thanjavur.
4. The Deputy Registrar of Co-operative Societies,
Thanjavur Circle,
Medical College Road,
Thanjavur.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the fourth respondent in R.C.No.4356/2012/EM dated 29.01.2013 and the subsequent proceedings issued by the third respondent in R.C.No.4254/2012/AC dated 31.01.2013 and to Quash the same and consequently, direct the respondents to settle the arrears of salary by way of sanctioning of increment from the year 2005 and to settle all the retirement benefits as on the date of retirement along with interest for belated payment by considering the representation submitted by the petitioner dated 16.07.2014, within a time frame to be fixed by this Court.

For Petitioner : Mr. G. Sankaran

For Respondents : Mr. S. Kuamar,
Additional Government Pleader.**ORDER**

Mr. S. Kumar, learned Additional Government Pleader takes notice for the respondents and by consent of both the parties, the main writ petition itself is taken up for final disposal at the stage of admission. <https://hcservices.courts.gov.in/hcservices/> learned Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.



3. The petitioner is aggrieved against the order of suspension and the consequential order not allowing him to retire from service.

4. Mr.G.Sankaran, learned counsel appearing for the petitioner submitted that the order of suspension came to be passed only on the reason that a criminal case was pending against the petitioner in Crime No.7 of 2005. He further submitted that the said criminal case also ended in favour of the petitioner, by quashing the proceedings in C.C.No.209 of 2010, on the file of the learned Judicial Magistrate No.I, Thanjavur in an order made in Crl.Op.1922 of 2013 dated 04.07.2014. Therefore, the learned counsel submitted that there is no impediment for the respondents to revoke the order of suspension and permit the petitioner to retire from service.

5. It appears that the petitioner has already made a representation to the third respondent on 16.07.2014 and again, on 16.09.2014, pursuant to the order passed by this Court in Crl.O.P.(MD)No.1922 of 2013, dated 04.07.2014, whereby, the above criminal case was quashed. Therefore, it is for the third respondent to consider the representations of the petitioner dated 16.07.2014 and 16.09.2014 and pass orders on the same, in the light of the order passed by this Court in Crl.O.P.(MD)No.1922 of 2013, dated 04.07.2014, if such order has become final and conclusive. Accordingly, the third respondent shall pass such order, within a period of four weeks from the date of receipt of a copy of this order.

6. The Writ Petition is **disposed of** with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Principal Secretary to Government,
Co-operative and Food Consumer Protection,
Fort St.George, Secretariat, Chennai.
2. The Registrar of Co-operative Societies,
Chetpet, Chennai - 600 010.
3. The Joint Registrar of Co-operative Societies,
Thanjavur Region, Medical College Road, Thanjavur.
4. The Deputy Registrar of Co-operative Societies,
Thanjavur Circle, Medical College Road, Thanjavur.

+1cc to Special Govt.Pleader, SR.No.11155

+1cc to Mr.F.Deepak, Advocate SR.No.10744

W.P. (MD)No.2998 of 2015 and
MP(MD).Nos.1 and 2 of 2015
05.03.2015