

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.05.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

W.P.No.18429 of 2016
and
WMP Nos.16131 and 16132 of 2016

P.Karnan ... Petitioner

vs.

- 1.The Joint Registrar of Co-operative Societies,
Tiruppur Region, Tiruppur,
Tiruppur District.
- 2.The President,
K.797 Kongal Nagaram Primary Agricultural
Co-operative Credit Society,
Kongal Nagaram Post, Udumalpet Taluk - 642 205,
Tiruppur District. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.No.1/2015/Pa.Tho.dated 06.01.2015 and quash the same and consequently direct the respondents to reinstate the petitioner into service with all back wages, attendant benefits and other monetary benefits.

For petitioner : Mr.C.Prakasam

For respondents : Mr.L.P.Shanmugasundaram,
Special Government Pleader

ORDER

Mr.L.P.Shanmugasundaram, learned Special Government Pleader, takes notice for the respondents.

2. Challenging the order of Suspension dated 6.1.2015 issued by the second respondent society against the petitioner, this Writ Petition has been filed by the petitioner.

3. According to the petitioner, he was working as a fertilizer Salesman in the second respondent society. On the

allegation of misappropriation of funds of the society, a criminal case was registered against all the employees and resultantly, the petitioner was suspended from service on 6.1.2015 by the proceedings of the second respondent dated 6.1.2015. During the enquiry, the irregularities committed by the Secretary of the Society, namely, Gunasekaran, was surfaced and pursuant to his confession, he repaid the entire alleged amount. It is the grievance of the petitioner that inspite of settlement of the alleged misappropriation of funds as such, the petitioner has been kept on suspension for more than 1½ years. The representation given by the petitioner dated 22.12.2015 to the second respondent requesting them to revoke the Suspension Order has evoked no response. Therefore, the present Writ Petition has been filed by the petitioner seeking for revocation of the suspension order of the second respondent society and for reinstatement with all attendant benefits.

4. The learned counsel appearing for the petitioner has submitted that the petitioner has not been paid subsistence allowance yet though he has been kept under suspension. Further, he pleaded that this Court may give a direction to the second respondent to consider the representation of the petitioner dated 26.12.2015 and reinstate him in the post with all attendant benefits.

5. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader and perused the impugned order.

6. Considering the facts of the case and the submission made, the petitioner is permitted to give a representation seeking for subsistence allowance within one week from the date of receipt of a copy of this order to the second respondent. On receipt of the same, the second respondent is directed to pay the subsistence allowance in accordance with the provisions of law. Further, the second respondent is also directed to consider the representation of the petitioner dated 26.12.2015 and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. Accordingly, the Writ Petition is disposed of. No costs. The connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

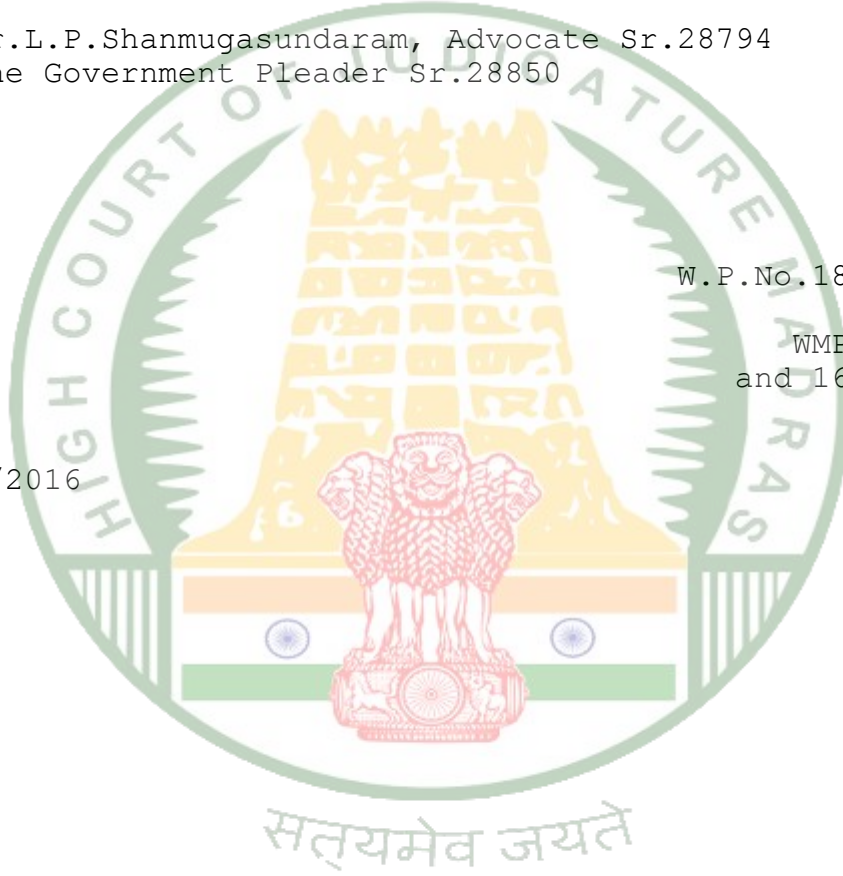
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2.The President,
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Tiruppur District.

+lcc to Mr.L.P.Shanmugasundaram, Advocate Sr.28794
+lcc to the Government Pleader Sr.28850

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