

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos.6638 and 6639 of 2012

V.Latha .. Petitioner in W.P.No.6638 of 2012
A.Janakiraman .. Petitioner in W.P.No.6639 of 2012

Versus

1. The Joint Registrar of Co-operative Societies,
Cuddalore Region,
Cuddalore.
2. The Special Officer,
Panruti Agricultural Producers
Co-operative Marketing Society Ltd.,
Panruti,
Cuddalore District.
3. Aravali,
Former the Special Officer,
Panruti Agricultural Producers
Co-operative Marketing Society Ltd.,
Now Extension Officer,
O/o. Deputy Registrar of Co-operative Societies,
Cuddalore. .. Respondents in both W.Ps.

Prayer in W.P.No.6638 of 2012: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari, to call for the records of the 1st respondent in Na.Ka.No.4876/2011 ThuVa.Thal dated 21.10.2011 confirming the order of the 2nd respondent in his proceedings dated 12.10.2009 with regard to reduce the pay scale one stage for 2 years without cumulative effect and quash the same.

Prayer in W.P.No.6639 of 2012: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari, to call for the records of the 1st respondent in Na.Ka.No.4896/2011 ThuVa.Thal dated 21.10.2011 confirming the order of the 2nd respondent in his proceedings dated 12.10.2009 with regard to reduce the pay scale one stage for 2 years without cumulative effect and quash the same.

For Petitioner
in both W.Ps. : Mr.S.P.Yuaraj

For R1
in both W.Ps. : Mr.L.P.Shanmugasundaram
For R2
in both W.Ps. : Mr.G.Mohan Raj

COMMON ORDER

These writ petitions have been filed by the petitioners challenging the order dated 21.10.2011 of the first respondent, confirming the order dated 12.10.2009 of the second respondent. By the order dated 12.10.2009 of the second respondent, the petitioners have been inflicted with punishment of reduction of pay scale by one stage for 2 years without cumulative effect. Further, the period during which the petitioners were under suspension was ordered to be treated as a punishment.

2. The petitioners were originally working as Salesmen in the Public Distribution System run by the second respondent Society. While so, on 11.10.2008, a surprise inspection was conducted by a flying squad and during the course of such inspection, it was found that there was a bogus entry made by the petitioners which has caused loss to the society to the tune of Rs.5,717.08/-. Owing to misconduct of the petitioners, they were suspended from service on 13.11.2008 and a charge memo was issued to them on 29.12.2008. The petitioners submitted their explanations to the said charge on 16.01.2009 and 28.03.2009 respectively. On completion of the enquiry, the Enquiry Officer filed his report on 29.05.2009, wherein, it is stated that part of the charge against the petitioners alone is proved. The charge relates to bogus entries of distribution of 156 kg of PDS rice. Thereafter, the second respondent by his proceedings dated 12.10.2009, imposed two punishments against the petitioners, i.e. one is reduction in salary without cumulative effect for two years and to treat the period of suspension as punishment. Aggrieved against the same, they filed revision petition before the first respondent under Section 153 of the Tamilnadu Co-operative Societies Act. The first respondent, by order dated 21.10.2011, confirmed the punishment imposed by the second respondent. Aggrieved against the same, the petitioners have filed these writ petitions.

3. According to the petitioners, they paid the payment in respect of the deficit stock of 156 kg. of PDS rice, even prior to the issuance of charge memo, i.e. on 30.10.2008. However, the second respondent, without considering the payment made by them, imposed the punishment and the same has been confirmed by the first respondent. According to them, the second respondent ought to have considered the payment made by them with regard to the deficit stock of 156 kg. of rice and

ought not to have imposed the punishment. Hence, the punishment imposed by the second respondent is liable to set aside.

4. Heard Mr.S.P.Yuaraj, learned counsel appearing for the petitioners, Mr.L.P.Shanmugasundaram, learned counsel appearing for R1 and Mr.G.Mohan Raj, learned counsel appearing for R2.

5. After elaborate arguments of the counsel for both sides, the learned counsel appearing for the petitioners fairly submitted that though the petitioners paid the deficit stock amount, the second respondent did not modify the punishment of reduction in salary without cumulative effect for two years. After completing the punishment period, the petitioners were not given increments, which is due and payable to them. Therefore, he prayed that the attendant benefits and increments may be directed to be paid to the petitioners, who have completed their punishment period. In view of such submission made by the learned counsel for the petitioners, this Court is not going into the validity or otherwise of the orders of punishment imposed against the petitioners.

6. As regards the effect of the orders of punishment, the petitioners were imposed with a punishment of reduction in salary without cumulative effect for two years by an order dated 12.10.2009 of the second respondent, which was confirmed by the first respondent on 21.10.2011. Thus, even on 11.10.2011, the currency of punishment imposed on the petitioners should have come to an end. Therefore, it is needless to mention that the petitioners are entitled for all consequential benefits after the currency of punishment has come to an end. In such view of the matter, this Court is of the view that the second respondent shall confer all the consequential benefits to the petitioners such as annual increments etc., as they completed their punishment period even as on 11.10.2011

7. With the above direction, these writ petitions are disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Joint Registrar of Co-operative
Societies,
Cuddalore Region,
Cuddalore.

2. The Special Officer,
Panruti Agricultural Producers
Co-operative Marketing Society Ltd.,
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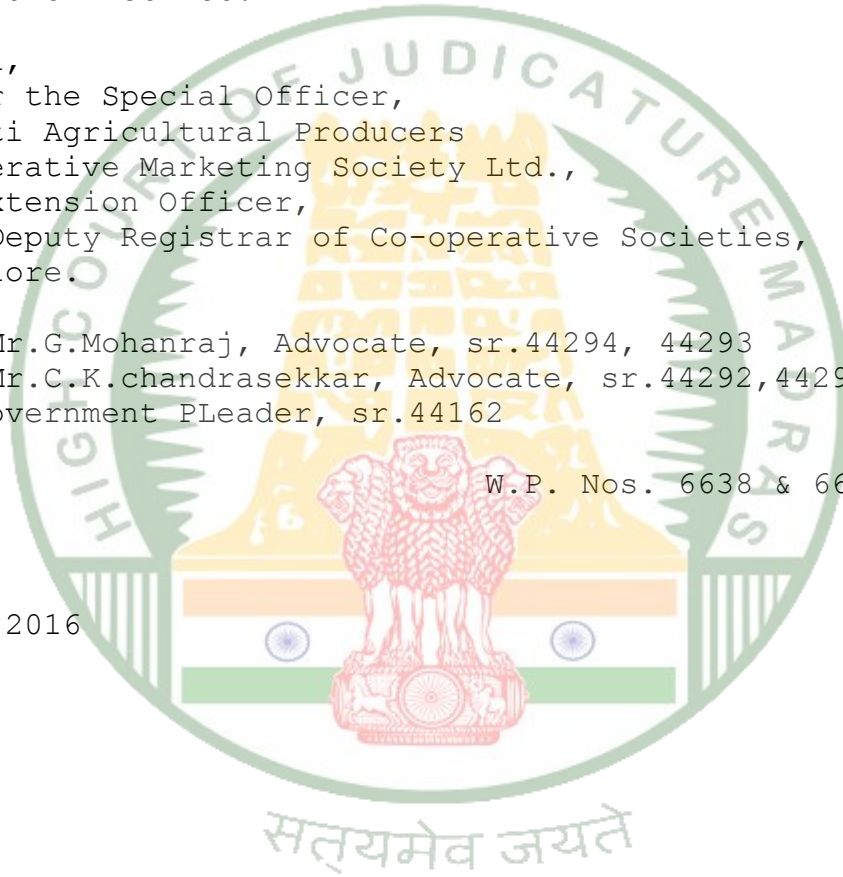
2 ccs to Mr.G.Mohanraj, Advocate, sr.44294, 44293

2 ccs to Mr.C.K.chandrasekhar, Advocate, sr.44292,44291

1 cc to Government PLeader, sr.44162

W.P. Nos. 6638 & 6639 of 2012

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kra 22.09.2016



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