

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.32480 of 2016

L.Thiruppathi

... Petitioner

Vs.

1 The Government of Tamilnadu
rep. by its Secretary,
Cooperation Food and Consumer
Protection Department,
Secretariat,
Chennai – 600 009.

2 The Registrar
O/o.The Registrar of Cooperative Societies,
V.N.Maligai, Kilpauk,
Chennai – 600 010.

3 The Joint Registrar of Co-operative Societies,
Salem Region,
Salem District – 1.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 3rd respondent in his proceeding in Rc.513/2016 D.A dated 20.05.2016 and in proceeding in Rc.513/2016 D.A. dated 31.05.2016 quash the same and consequently direct the respondents to settle all retirement

benefits payable to the petitioner with effect from 01.06.2016 continuously with interest at the rate of 24% P.A.

For Petitioner : Mr.N.Kolandaivelu
For Respondents : Mr.V.Selvaraj
Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The present writ petition has been filed seeking a Certiorarified Mandamus calling for the records of the third respondent in his proceedings in Rc.513/2016 D.A dated 20.05.2016 and in proceedings in Rc.513/2016 D.A. dated 31.05.2016, quash the same and consequently direct the respondents to settle all retirement benefits payable to the petitioner with effect from 01.06.2016, continuously with interest at the rate of 24% P.A.

3.The petitioner was appointed as Junior Inspector of Cooperative Societies in the year, 1987 and promoted as Senior Inspector of Cooperative Societies and was further promoted as Cooperative Sub-Registrar and also awarded selection grade. When

the petitioner was working as selection grade Cooperative Sub-Registrar in the office of the Deputy Registrar of Co-Operative, Attur Circle, Attur, Salem District, he was placed under suspension on 20.05.2016, by the third respondent on the ground that Criminal Revision Petition No.61 of 2015 is pending on the file of the Principal District Judge, Salem against CMP.No.6891 of 2013 in C.C.No.239 of 2013 on the file of the Judicial Magistrate No.1, Salem, in which, the petitioner was discharged from all the charges.

4.The petitioner would state that as against the order of discharge, no stay is in operation and hence, it can't be a ground for placing him under suspension. The petitioner, on account of the said suspension, was not allowed to retire from service vide impugned proceedings, dated 31.05.2016. The petitioner in this regard, made representations to the respondents 2 and 3 on 25.05.2016 and 05.09.2016 and the said representations were not considered so far. Hence, he petitioner has come forward with the present writ petition.

5.Heard the submissions of the learned counsel appearing for the petitioner and the learned Additional Government Pleader who takes notice for the respondents.

6. Though the writ petition was filed for a larger relief, the learned counsel appearing for the petitioner, at the time of making his submissions, submitted that if a direction is given to the respondents 2 and 3 to consider the representation submitted by the petitioner dated 05.09.2016, it would suffice.

7. In view of the submissions made by the learned counsel appearing for the petitioner, this Court without going into the merits of the claim projected by the petitioner, directs the respondents 2 and 3 to consider the representation submitted by the petitioner dated 05.09.2016 and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

8. The writ petition is disposed of accordingly. No costs.

16.09.2016

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Index: Yes/ No
Internet: Yes/ No

To

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R.SUBBIAH,J.

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