

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.38396 of 2016

L.Selvam

... Petitioner

vs.

- 1.The Registrar of Co-operative Societies,
No.170, Periyar EVR High Road,
Kilpauk, Chennai-600 010.
- 2.The Joint Registrar of Co-operative Societies,
No.407, 4th Floor,
New Collectorate Office, Tiruppur-641 604.
- 3.The Deputy Registrar of Co-operative Societies,
24/2, Katcheri Street,
Dharapuram-638 656,
Tiruppur District.

... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 2 and 3 to revoke the order of suspension and reinstate the petitioner by considering the petitioner's representation dated 04.04.2016 and pass orders on merits within a stipulated period as fixed by this Court in terms of Circular Letter No.13519/N/2015-1 dated 23.07.2015 issued by the Principal Secretary, Personnel and Administrative Reforms (N) Department, Chennai.

For Petitioner : Mr.R.Ezhilarasan
For Respondents : Mr.L.P.Shanmugha Sundaram,
Special Government Pleader

ORDER

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

2. The petitioner has come up with the present writ petition seeking to issue a Writ of Mandamus, directing the respondents 2 and 3 to revoke the order of suspension and

reinstate the petitioner by considering the petitioner's representation dated 04.04.2016 and pass orders on merits within a stipulated period fixed by this Court in terms of Circular Letter No.13519/N/2015-1 dated 23.07.2015 issued by the Principal Secretary, Personnel and Administrative Reforms (N) Department, Chennai.

3. The case of the petitioner is that he was working as Co-operative Sub-Registrar/Field Officer of Gudimangalam under the control of the Deputy Registrar of Co-operative Societies, Dharapuram in Tiruppur Region from 01.06.2012. K.K.797 Kongalpuram Primary Agriculture Co-operative Society was one of the societies under his control. The petitioner was made surprise inspection in the said society on 16.12.2014. At the time of inspection, he found that there were several mis-entries in the Register and further there were shortage of jewels as per the Jewel Stock Register. In the said Society, there were two Jewels Stock Register. Hence, the petitioner submitted a Special Report dated 19.12.2014 to the Deputy Registrar of Co-operative Societies, Dharapuram. Based on his report, the 3rd respondent had passed a proceedings to conduct an enquiry under Section 81 of the Co-operative Societies Act. The petitioner has been appointed as Officer to assist the Enquiry Officer by the 3rd respondent on 23.12.2014. Now the grievance of the petitioner is that after the enquiry under Section 81 of the Act, he was placed under suspension by the 2nd respondent on the basis of baseless allegations by way of his proceedings in Rc.92/2015/A1 dated 06.01.2015. In this regard, to revoke the order of suspension, the petitioner has sent several representations to the 2nd respondent and the last representation was on 04.04.2016. But, till date, the suspension has not been revoked. Hence the present Writ Petition.

4. I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the matter, without going into the merits of the claim made by the petitioner, this Court directs the 2nd respondent to consider the representation of the petitioner dated 04.04.2016 on merits and in accordance with law and also in terms of Circular Letter No.13519/N/2015-1 dated 23.07.2015 issued by the Principal Secretary, Personnel and Administrative Reforms (N) Department, Chennai and pass appropriate orders thereon, within a period of four weeks from the date of receipt of a copy of this Order.

6. The Writ Petition is disposed of accordingly, No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1.The Registrar of Co-operative Societies,
No.170, Periyar EVR High Road,
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- 3.The Deputy Registrar of Co-operative Societies,
24/2, Katcheri Street,
Dharapuram-638 656,
Tiruppur District.

+1 cc to M/s.R.Ezhilarasan Advocate sr 62909
+1 cc to Government Pleader sr 63270

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