

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.42133 of 2016

Mothilal Sankari

... Petitioner

Vs.

- 1.The Joint Registrar of Co-operative Societies,
Thiruppur, Thiruppur District.
- 2.The Deputy Registrar of Co-operative Societies,
Dharapuram, Thiruppur District.
- 3.The Managing Director,
K-1114, Dharapuram Agricultural Producers
Co-operative Marketing Society Limited,
487/280, Chinna Kadai Veedhi,
Dharapuram,
Thiruppur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the 1st respondent to pass orders on the appeal No.1720/2016/Ve.1 date 19.04.2016, pending on their forthwith for the revocation of suspension order dated 15.02.2016 passed by the 3rd respondent.

For Petitioner : Mr.C.Prabakaran
For respondents : Mr.L.P.Shanmugasundaram, Spl GP

ORDER

This writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, to direct the 1st respondent to pass orders on the appeal No.1720/2016/Ve.1 date 19.04.2016, pending on their forthwith for the revocation of suspension order dated 15.02.2016 passed by the 3rd respondent.

2.In the affidavit filed in support of the writ petition, it has been averred by the petitioner as follows_

2-1.The petitioner was selected as sales person with the respondent-department pursuant to a recruitment which took place from 17.12.2012 to 22.12.2012. Thereafter, an

appointment order was issued by the then competent authority namely Special Officer on 29.01.2013 in Na.Ka.No.1/2013/Tha.A(1) co-operative society at Muthiapatti.

2-2.During the course of employment, the petitioner was transferred to Eragampatti Fair Price Shop, wherein she was asked to take charge of 4 Fair Price Shops for a single person and however, without considering her health condition, she have discharged her duties utmost to the satisfaction of the respondents.

2-3.According to the petitioner, she has not been provided with the correct scale of pay and increments in the appropriate time. Therefore, the petitioner made representations to the higher officials relating to the improper payment for the work done by her. She has been made scape goat by the 3rd respondent under the guise of inspection, which alleged to have taken place on 28.01.2016 and found that there was a shortage of rice stock, as such the petitioner was levied with a fine of Rs.3,575/-. The petitioner has given explanation denying the said allegation. But, the 3rd respondent refused to accept her explanation and issued order of suspension dated 15.02.2016 placing the petitioner under suspension. Though the suspension order was passed as early as on 15.02.2016 till date, she has not been paid with the subsistence allowance which she is entitled. Thereafter, the petitioner filed an appeal before the 1st respondent on 19.04.2016, which was taken on file as Appeal No.1720/2016/V3.1. Since the petitioner's appeal was not disposed of by the 1st respondent, the petitioner has come forward with the present writ petition.

3.Heard the learned counsel for the petitioner as well as the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

4.Considering the limited scope of the prayer sought for by the petitioner in the present writ petition, without expressing any opinion on the merits of the claim made by the petitioner, this Court directs the 1st respondent to dispose of the appeal filed by the petitioner, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssv

To

1.The Joint Registrar of Co-operative Societies,
Thiruppur, Thiruppur District.

2.The Deputy Registrar of Co-operative Societies,
Dharapuram, Thiruppur District.

3.The Managing Director,
K-1114, Dharapuram Agricultural Producers
Co-operative Marketing Society Limited,
487/280, Chinna Kadai Veedhi,
Dharapuram, Thiruppur District.

+lcc to Mr.C. Prabakaran, Advocate, S.R.No.71339

rsy(CO)
md(21/12/2016)

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