



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2016

Coram

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) Nos.19201 to 19203 of 2014 and 8247 of 2016

and M.P. (MD) Nos.2, 2 and 2 of 2014 in

W.P. (MD) Nos.19201 to 19203 of 2014 and M.P. (MD) No.1 of 2015 in

W.P. (MD) No.19201 of 2014

W.P. (MD) No.19201 of 2014:

M.Selvarajan

:Petitioner

vs.

1.The Deputy Registrar of Co-operative Societies,
Pudukottai District.

2.The Regional Joint Registrar,
Joint Registrar of Co-operative Societies,
Pudukottai District.

3.The President,
M.M.375, Mullur Primary Agriculture
Co-operative Credit Society Ltd.,
Machuvadi, Pudukottai District.

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent in the impugned charge memo dated 05.06.2014 and the consequential suspension order dated 28.06.2014 and to quash the same and consequently direct the respondents to disburse all the petitioner's retirement benefits.

For Petitioner

:Mr.H.Arumugam

For Respondents 1 & 2

:Mr.T.R.Janarthanan

Additional Government Pleader

For 3rd Respondent

:Mr.T.Ravichandran

W.P. (MD) No.19202 of 2014:

M.Palanisamy

:Petitioner

vs.

1.The Deputy Registrar of Co-operative Societies,
Pudukottai District.



2.The Regional Joint Registrar,
Joint Registrar of Co-operative Societies,
Pudukottai District.

3.The President,
15, Perungalur Primary Agriculture
Co-operative Credit Society Ltd.,
Perungalur, Pudukottai District. : Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent in the impugned charge memo dated 13.03.2012 and the consequential suspension order dated 30.05.2014 and to quash the same and consequently direct the respondents to disburse all the petitioner's retirement benefits.

For Petitioner :Mr.H.Arumugam

For Respondents 1 & 2 :Mr.T.R.Janarthanan
Additional Government Pleader

For 3rd Respondent :Mr.T.Ravichandran

W.P. (MD) No.19203 of 2014:

M.Palanisamy :Petitioner

vs.

1.The Deputy Registrar of Co-operative Societies,
Pudukottai District.

2.The Regional Joint Registrar,
Joint Registrar of Co-operative Societies,
Pudukottai District.

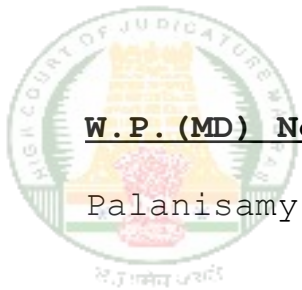
3.The President,
15, Perungalur Primary Agriculture Co-operative Credit
Society Ltd.,
Perungalur, Pudukottai District. : Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent in the impugned charge memo dated 29.04.2014 and to quash the same and consequently direct the respondents to disburse all the petitioner's retirement benefits.

For Petitioner :Mr.H.Arumugam

For Respondents 1 & 2 :Mr.T.R.Janarthanan
Additional Government Pleader

For 3rd Respondent :Mr.T.Ravichandran

**W.P. (MD) No.8247 of 2016:**

Palanisamy

:Petitioner

vs.

1.The Deputy Registrar of Co-operative Societies,
Deputy Registrar Office,
Pudukottai District.

2.The President,
15, Perungalur Primary Agriculture
Co-operative Credit Society Ltd.,
Perungalur,
Pudukottai District.

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the 2nd respondent herein to pay the legally payable amounts to the petitioner as per petitioner's representation dated 22.04.2016 within a time frame.

For Petitioner

:Mr.M.Sridharan

For 1st Respondent:Mr.T.R.Janarthanan
Additional Government PleaderFor 2nd Respondent

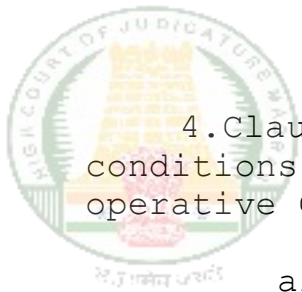
:Mr.M.Rajarajan

COMMON ORDER

W.P.(MD) Nos.19201 to 19203 of 2014 have been filed under Article 226 of the Constitution of India, seeking to quash the charge memos issued against them and to disburse their retirement benefits and W.P.(MD) No.8247 of 2016 has been filed to pay the amount legally payable to the petitioner.

2.The charge memos were challenged on the sole ground that the petitioners were placed under suspension, pending departmental proceedings initiated against them but, there is no specific rule or provision empowering the respondents to retain them in service after superannuation. Hence, initiation and continuation of suspension and initiation of departmental proceedings are liable to be quashed.

3.Replying to the said contention, learned counsel for the third respondent while drawing my attention to clause 31(4) of the Special By Laws relating to the service conditions of the Employees of the Primary Agricultural Co-operative Credit Society would submit that by virtue of deemed provision the suspension order would continue till the disposal of the enquiry proceedings, hence, the present petitions will fail.



4.Clause 31(4) of the Special By Laws relating to the service conditions of the Employees of the Primary Agricultural Co-operative Credit Society reads as under:

"31(4) - The employee under suspension shall not be allowed to retire on attaining the age of super-annuation. His suspension shall be deemed to have been extended till the disposal of the disciplinary proceedings against him. During the extended period, the service rights accrued to the employee shall freeze on the date of super-annuation and the employee shall not be entitled for subsistence allowance."

5.This Court finds merits on the submission made by the learned counsel for the third respondent. However, the contention made by the learned counsel for the petitioners that there is no specific rule or provision empowering the respondents to retain the petitioners in service has no legs to stand in the light of the above bye-law. Hence, W.P.(MD) Nos.19201 to 19203 of 2014 stand dismissed. Consequently, connected Miscellaneous Petitions also stand dismissed.

6.However, the learned counsel for the petitioners seeks expeditious disposal of the pending disciplinary proceedings since the enquiry officer has already submitted his reports on 23.04.2012 and 18.07.2014.

7.In view of the above submission, the respondents are directed to complete the disciplinary proceedings against the petitioners and pass order on merits and in accordance law within a period of two months from the date of receipt of a copy of this order.

8.W.P.(MD) No.8247 of 2016 has been filed to pay the amounts legally payable to the petitioner as per his representation dated 22.04.2016. In view of the above order made in W.P.(MD) Nos.19201 to 19203 of 2014, this Writ Petition is disposed of with a direction to the second respondent to consider the petitioner's representation dated 22.04.2016 and pass orders on merits and in accordance with law as expeditiously as possible.

Sd/-

Assistant Registrar(W)

/TRUE COPY/

Sub Assistant Registrar



To

1. The Deputy Registrar of Co-operative Societies,
Pudukottai District.
2. The Regional Joint Registrar,
Joint Registrar of Co-operative Societies,
Pudukottai District.
3. The President,
M.M.375, Mullur Primary Agriculture
Co-operative Credit Society Ltd.,
Machuvadi, Pudukottai District.
4. The President,
15, Perungalur Primary Agriculture
Co-operative Credit Society Ltd.,
Perungalur, Pudukottai District.

+3 ccs to Mr.H.Arumugam, Advocate in SR.Nos.33582, 33581, 33583
+1cc to Mr.M.Sridharan, Advocate, SR NO: 33412
+1cc to Mr.T.Ravichandran, Advocate, SR NO: 33769

SJ

JA-GSV-PM/SAR.II-13.07.2016/5P:10C

W.P.(MD)Nos.19201 to 19203 of 2014 and 8247 of 2016
and M.P.(MD)Nos.2, 2 and 2 of 2014 in W.P.(MD)Nos.19201 to 19203
of 2014 and M.P.(MD) No.1 of 2015 in W.P.(MD) No.19201 of 2014
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