



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2016

CORAM

THE HONOURABLE **MR. JUSTICE T. RAJA**

W.P(MD).No.14896 of 2016

P.Singaram

... Petitioner

Vs

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

2.The Deputy Registrar of Co-operative Societies,
Trichirappalli Circle,
Trichirappalli-20.

3.The President,
MM353 Balkurichi Primary Agricultural
Co-operative Credit Society,
Balakurichi,
Marungapuri Taluk,
Trichy District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 27.02.2016, 28.07.2016 and revoke the order of suspension in the light of the circular issued by the Registrar of Co-operative Societies vide Circular No.9 of 2010 (Rc.No.106954/2009/CPI dated 22.02.2010) and reinstates him in service.

For petitioner : Mr.D.Shanmugaraja Sethupathi

For R.1&2 : Mr.T.R.Janarthanam

Additional Government Pleader

For R.3 : Mr.A.Muthukaruppan

ORDER

Mr.P.Singaram, working as a Secretary in MM353 Balakurichi Primary Agricultural Co-operative Credit Society, Balakurichi, Marungapuri Taluk, Trichy District, has come to this Court for revoking his suspension in the light of the proceedings issued by the Registrar of Co-operative Societies vide Circular No.9 of 2010 (Rc.No.106954/2009/CPI dated 22.02.2010) and for reinstating him in service.



2. The case of the petitioner is that in view of a criminal case registered against him in Cr.No.2 of 2016, resulting in his arrest, the petitioner was placed under suspension on 29.01.2016 with effect from 27.01.2016, for a period of six months. The third respondent had issued the Charge Memorandum, dated 28.12.2015, to which, the petitioner submitted his explanation dated 11.01.2016. Thereafter, the third respondent appointed an Enquiry Officer to conduct the domestic enquiry against the petitioner, who in turn, submitted a Report stating that the charges levelled against the petitioner have been proved, whereupon, the third respondent issued a second show cause notice, dated 25.04.2016, seeking explanation on the enquiry report, to which, the petitioner also submitted his explanation on 03.05.2016. The final order is yet to be passed by the third respondent. At this juncture, the petitioner seeks to dispose of his representations dated 27.02.2016 and 28.07.2016.

3. Learned counsel for the petitioner submitted that though very many grounds have been raised in this Writ Petition, the petitioner confines his prayer to consider his representations, dated 27.02.2016 and 28.07.2016, in the light of the Circular No.9 of 2010 (Rc.No.106954/2009/CPI dated 22.02.2010), issued by the Registrar of Co-operative Societies, so that, the petitioner will be in a position to explain his case that the said Circular can be applied to the petitioner also.

4. *Per contra*, learned Counsel appearing for the respondents submitted that a criminal case came to be registered subsequent to the involvement of the petitioner in financial irregularities. In the case on hand, the petitioner was arrested and remanded to the judicial custody and therefore, some breathing time is required to pass final orders in the matter.

5. Considered the rival submissions made on either side and perused the materials available on record.

6. Be that as it may, this Court is not inclined to issue any positive direction against the respondents herein, whereas, this Court only directs the first respondent to consider the representations of the petitioner, dated 27.02.2016 and 28.07.2016, and pass appropriate orders, on merits and in accordance with law.

7. Accordingly, a direction is issued to the first respondent to consider the representations of the petitioner in the light of Circular No.9 of 2010 (Rc.No.106954/2009/CPI, dated 22.02.2010, issued by the Registrar of Co-operative Societies and <https://hcds.cemets.gov.in/hcds/ce/> same, on merits and in the manner known to law, within a period of four weeks from the date of receipt of a copy of this order.



This Writ Petition stands disposed of. However, there will be no order as to costs.

Sd/
Assistant Registrar (P&A)

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/True Copy/

Sub Assistant Registrar

To

- 1.The Joint Registrar of Co-operative Societies,
Trichirappalli Region, Trichirappalli,
- 2.The Deputy Registrar of Co-operative Societies,
Trichirappalli Circle,
Trichirappalli-20.
- 3.The President,
MM353 Balkurichi Primary Agricultural
Co-operative Credit Society,
Balakurichi,
Marungapuri Taluk,
Trichy District.

+1 cc to Special Government Pleader Sr.No.44148

+1 cc to MR.D.SHANMUGARAJA SETHUPATHY, Advocate Sr.No.44186

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SMA/SS-1/01/09/2016 :3P/6C