



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No.15606 of 2016

and

W.M.P (MD)No.11465 of 2016

A.Arjunan

... Petitioner

Vs.

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

2.The Deputy Registrar of Co-operative Societies,
O/o the Deputy Registrar of Co-operative Societies,
Paramakudi,
Ramanathapuram District.

3.The President,
Q-1217, Somanur Primary Agricultural
Co-operative Credit Society,
Ariyakudi Post, Paramakudi Taluk,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus to call for the records in pursuant to the impugned suspension order issued by the third respondent in his proceedings dated 12.08.2016 and quash the same and consequently direct the respondents to regularize the period of suspension as duty for all attendant and monetary benefits.

For petitioner : Mr.M.Saravanakumar

For respondents : Mr.M.Murugan
Government Advocate

ORDER

Challenging the impugned order of suspension dated 12.08.2016
<https://hcsprts.gov.in/hcsprts/> petitioner out of office, this writ petition has been
filed.



2. Heard the learned Counsel for the petitioner and the learned Government Advocate appearing for the respondents.

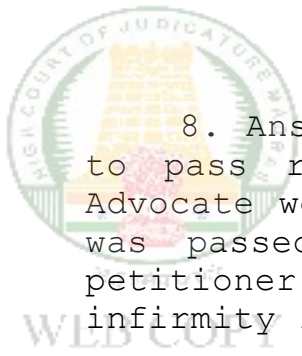
3. The learned Counsel for the petitioner, assailing the impugned order, placed three submissions. The first submission is that a circular dated 09.02.2016 has been issued specifically mandating all the competent Officers to get prior approval from the Joint Registrar to place any Officer working in the Co-operative Societies under suspension. The said condition has not been complied with, while passing the impugned order of suspension. Therefore, the same is liable to be set aside.

4. The second submission is that while passing the impugned order, the third respondent has not even applied their mind to consider the fact that the payment of subsistence allowance to the suspended employee working in the Co-operative Societies has been made as a matter of right, as per the decision rendered by the Division Bench of this Court in **Kuthiraichandal Primary Co-op Bank Ltd., V. A.Asokan** reported in **(2009)1 MLJ 18**. The third respondent ought to have mentioned clearly that the petitioner is entitled to receive subsistence allowance from the date of suspension. Since no word thereto has been mentioned for getting subsistence allowance for the period of suspension, on that point, the impugned order has to be set aside.

5. The third submission is that when the petitioner is the only competent Officer to make all arrangement to conduct any meeting to pass resolution, when he was working in the office of the Co-operative Society, no arrangement whatsoever has been made to the knowledge of the petitioner. Therefore, stating the reason that there was a resolution passed on 11.08.2016 to place the petitioner under suspension is absolutely untenable.

6. Replying to the submissions made by the learned Counsel for the petitioner, the learned Government Advocate appearing for the respondents would submit that inadvertently the payment of subsistence allowance has not been mentioned. So, that cannot be taken as a sole ground for setting aside the impugned order. The petitioner is entitled to get the subsistence allowance for the period of suspension. Therefore, he need not have any apprehension.

7. While answering to the contention that the circular dated 09.02.2016 has not been followed to get prior approval, the learned Government Advocate would submit that the Joint Registrar himself, on receipt of complaint against the petitioner on various irregularities, directed the president of Co-operative Credit Society to place the petitioner under suspension. Therefore, the submission made by the petitioner that no prior approval has been obtained from the Joint Registrar cannot be accepted.



8. Answering to the contention that there was no meeting held to pass resolution on particular date, the learned Government Advocate would submit that the meeting was held and the resolution was passed on the same date. Based on the resolution, the petitioner was placed under suspension. Therefore, there is no infirmity in the order passed by the third respondent.

9. Keeping in mind that the impugned order is appealable, the petitioner is at liberty to file a revision before the first respondent under Section 153 of the Co-operative Societies Act. If any revision is filed within appropriate period, the Revisional Authority shall pass order on merits and in accordance with law as expeditiously as possible, preferably within a period of two weeks from the date of filing of revision.

10. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To

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

2.The Deputy Registrar of Co-operative Societies,
O/o the Deputy Registrar of Co-operative Societies,
Paramakudi,
Ramanathapuram District.

3.The President,
Q-1217, Somanur Primary Agricultural
Co-operative Credit Society,
Ariyakudi Post, Paramakudi Taluk,
Ramanathapuram District.

+1cc to Mr.M.Saravanakumar, Advocate SR.No.49831
+1cc to Special Government Pleader sR.No.50177

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