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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 28.04.2016
CORAM :
THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
Writ Petition (MD) No.8553 of 2016

P.Nehru ... Petitioner

Vs.

1.The Joint Registrar,
Office of the Joint Registrar of Tamil Nadu
Co-operative Societies,
Multiplex Building
Mannarpuram, Trichy.
2.The Deputy Registrar,
Office of the Deputy Registrar,
Lalgudi Taluk, Trichy.
3.Ty.Spl.51, Alunthalipur,
Primary Agricultural Co-operative Society Limited,
rep. By its President, Alunthalipur,
Lalgudi, Trichy. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to reinstate the petitioner in service in the light of the judgment of judicial Magistrate, No. 5 Trichirappalli in C.C.No.68 of 2002 dated 21.04.2015 by considering the representation of the petitioner dated 07.08.2015 within a time stipulated by this Court.

For Petitioner : Mr.Jana Alias B.Janath Ahmed
For Respondents :Mr.M.Murugan
Government Advocate for RR-1 to 2

ORDER

The petitioner has come up with the above writ petition for issuance of a Writ of Mandamus directing the 1st respondent to reinstate the petitioner in service in the light of the judgment of Judicial Magistrate, No. 5 Trichirappalli in C.C.No.68 of 2002 dated 21.04.2015 by considering the representation of the petitioner dated 07.08.2015 within a time stipulated by this Court.

2. By consent of both sides, the writ petition itself is taken up for final disposal.

3. It is the case of the petitioner that on 01.05.1989, he was appointed as Salesman through Employment Exchange in the third respondent Office and subsequently, on 01.12.1996, he was promoted to the post of Secretary. Whileso, on 28.01.1999, he was suspended by the third respondent on the allegation that in the year 1998-99, the petitioner along with two others caused a loss of Rs.6,21,802/-, by falsification of accounts. Hence, a criminal complaint case was registered against the petitioner and others in Cr.No.8 of 2001 and subsequently, charge sheet was filed

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under Sections 408, 477(A) of I.P.C and the case was tried by the learned Judicial Magistrate, No.5 in C.C.No.68 of 2002. The trial was started in the year 2002. In the mean time, the third respondent dismissed him from service. The petitioner paid all the amount of alleged loss caused by him to the third respondent. In view of that, the learned Judicial Magistrate No.5, Trichy let him off from the case under Sections 3 and 4 of Probation of Offenders Act by giving the benefits of Section 12 of the Act. Subsequently, he made a representation to the third respondent seeking reinstatement, based on the judgment of the learned Judicial Magistrate, No.5, Trichy on 06.07.2015. The third respondent informed him that since the surcharge proceedings are pending, he is not entitled to reinstatement. Thereafter, he filed a case before the Principal District Judge, Trichy in CMA.CS.No.49 of 2015 and the same is pending. Thereafter, on 03.07.2015, he made a representation to the second respondent in person, followed by another representation, dated 07.08.2015 to the first respondent. Since they did not evoke any response, he has approached this court by way of this writ petition seeking reinstatement of his service.

4. Considering the above facts and circumstances of the case, this court, without going into the merits of the claim of the petitioner, directs the first respondent to consider the representation of the petitioner, dated 07.08.2015 and pass appropriate orders, on the same on merits and in accordance with law, within a period of 4 weeks from the date of receipt of a copy of this order.

5. The writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub-Assistant Registrar

To
1.The Joint Registrar,
Office of the Joint Registrar of Tamil Nadu
Co-operative Societies, Multiplex Building
Mannarpuram, Trichy.
2.The Deputy Registrar, Office of the Deputy Registrar,
Lalgudi Taluk Trichy.
3.The President, Ty.Spl.51, Alunthalipur,
Primary Agricultural Co-operative Society Limited,
Alunthalipur, Lalgudi, Trichy.
+One cc to The Special Government Pleader, SR.No.25207
+One cc to M/s.Jana @ B.Janath Ahmed, Advocate, SR.No.24902
vs
RL/6C/3P/DP/PM/18/5/2016 Writ Petition (MD) No.8553 of 2016
28/04/2016

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