

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.4044 of 2017

and WMP.Nos.4193 and 4200 of 2017

C.Anbazhagan

..Petitioner

vs.

The Registrar,
Kalumaran Primary Agricultural Cooperative
Loan Society Ltd.,
Kalumaran Post,
Thirukovilur, Villupuram.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari to call for the records of the respondent in Order/Proceedings dated 27.01.2017 and to quash the same as being illegal and unsustainable in law insofar as it directs the petitioner to deposit the amount of Rs.2,93,324.50/- failing which disciplinary action will be initiated against the petitioner.

For Petitioner : Mr.N.Kavitha Rameshwar

For Respondent : Mr.L.P.Shanmugasndaram
Special Government Pleader (Coop.)

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner was appointed as Salesman on daily wages on 12.12.1992 and his services were regularized on 21.07.1996 and he was promoted as Clerk on 20.07.2000 and further promoted as Senior Clerk on 21.06.2006. The petitioner was promoted as In-charge Secretary and was further promoted as Secretary of the respondent Society on 27.04.2014. The petitioner was issued with an order of suspension dated 27.04.2015, followed by a charge memo dated 20.07.2015, containing four charges and he

participated in the enquiry proceedings and the Enquiry Officer held that the charges have been proved. The petitioner was called upon to submit further explanation and he submitted the same in time, which was not considered and final order was passed demoting the petitioner to a lower post and challenging the legality of the same, the petitioner has filed W.P.No.4644 of 2016 and this Court has granted interim order dated 08.02.2016 directing to maintain Status Quo. According to the petitioner, by virtue of the interim order, he is entitled to join duty and therefore, he approached the respondent in this regard and since no response was forthcoming, he issued a contempt notice and also filed Cont.P.No.2388 of 2016 and it was disposed of by directing the petitioner to join duty in the post of Clerk/Typist/JL Appraiser and the petitioner, armed with the said order, has approached the respondent to join in any one of the said posts and it was rejected vide communication dated 14.12.2016 which indicate that he may join in the said posts subject to certain conditions and with a further direction to deposit a sum of Rs.2,93,324.50 with interest at the rate of 18% from 16.10.2015 to till date and failure to do so, the petitioner was informed that disciplinary action would be taken against him. Challenging the legality of the same, the petitioner has come forward with this writ petition.

3. When the writ petition was listed on 17.02.2017, this Court felt that the wordings given in the communication dated 14.12.2016 not appears to be in good taste and therefore, directed the officials to be present and accordingly, they were present and undertook to pass fresh orders as well as to file affidavit. Accordingly, the respondent had filed an affidavit dated 02.03.2017 stating among other things that revised order dated 01.03.2017 in No.CP/2388/2016 has been passed.

4. The learned counsel appearing for the petitioner would submit that in the light of the revised order dated 01.03.2017, nothing survives for adjudication and further prayed for payment of arrears of salary to the petitioner.

5. In the light of the affidavit of the respondent dated 02.03.2017 coupled with the proceedings of the respondent in No.CP/2388/2016 dated 01.03.2017, the petitioner is entitled to join duty as Clerk. Insofar as arrears of salary claimed by the petitioner from the date of order on 17.10.2016 passed in Contp.No.2388 of 2016, the respondent shall pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

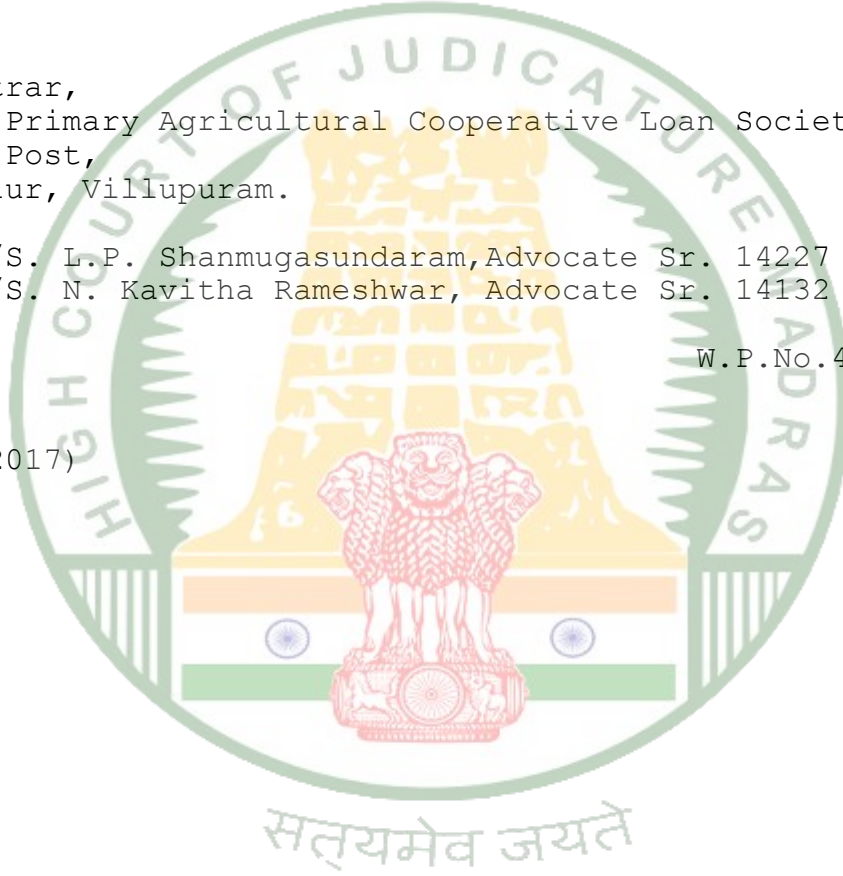
The Registrar,
Kalumaran Primary Agricultural Cooperative Loan Society Ltd.,
Kalumaran Post,
Thirukovilur, Villupuram.

+1cc to M/S. L.P. Shanmugasundaram, Advocate Sr. 14227

+1cc to M/S. N. Kavitha Rameshwar, Advocate Sr. 14132

W.P.No.4044 of 2017

Lrs (Co)
VR(16/03/2017)



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