

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.15447 of 2017

R.Durairaj

... Petitioner

Vs.

1. The Principal Secretary to Government,  
Co-operation, Food & Consumer  
Protection Department,  
Fort St.George, Chennai - 600 009.
  2. The Registrar of Co-operative Societies,  
Kilpauk, Chennai - 600 010.
  3. The Joint Registrar of Co-operative Societies,  
Tiruppur Region, Collectorate Building,  
Tiruppur.
  4. The Deputy Registrar of Co-oprative Societies,  
Kamarajar Road, Tiruppur.
- ... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus to direct the respondents to consider the representation of the petitioner dated 13.02.2017 for reviewing and revoking his suspension and to permit him to retire from service and to sanction all pensionary benefits.

For Petitioner : Mr.R.Prem Narayan

For Respondents : Mr.L.P.Shanmugasundaram,  
Special Government Pleader.

ORDER

The petitioner, while serving as a Junior Inspector of Co-operative Societies, suffered an order of punishment of stoppage of increment for two years with cumulative effect at the hands of the Joint Registrar of Co-operative Societies, Coimbatore, dated 16.06.2009.

2. Subsequently, since the petitioner was to retire on 30.04.2012, on reaching the age of superannuation, he was

suspended from service by order dated 12.04.2012, on the ground of pendency of criminal case. Thereafter, by order dated 30.04.2012, he was not permitted to retire, but retained in service until the criminal case against him is concluded and final orders passed thereon by the competent authority.

3. However, the order of suspension was passed on account of pendency of criminal case for the same alleged charges. Now, the criminal case is pending in C.C.No.10-12 of 2007 before the learned Judicial Magistrate-IV, Coimbatore. In view of the pendency of criminal case, he was not permitted to retire from service. Therefore, a direction may be given to consider his representation, he pleaded.

4. Mr.L.P.Shanmugasundaram, learned Special Government Pleader appearing for the respondents sought time to consider the petitioner's representation.

5. In view of the two facts that when the petitioner was already prosecuted departmentally and was imposed with the punishment as mentioned above and secondly, when he had already reached the age of superannuation on 30.04.2012, the respondents are directed to consider the representation of the petitioner dated 13.02.2017 on merits and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. The writ petition stands disposed of accordingly. No costs.

-s/d-  
Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

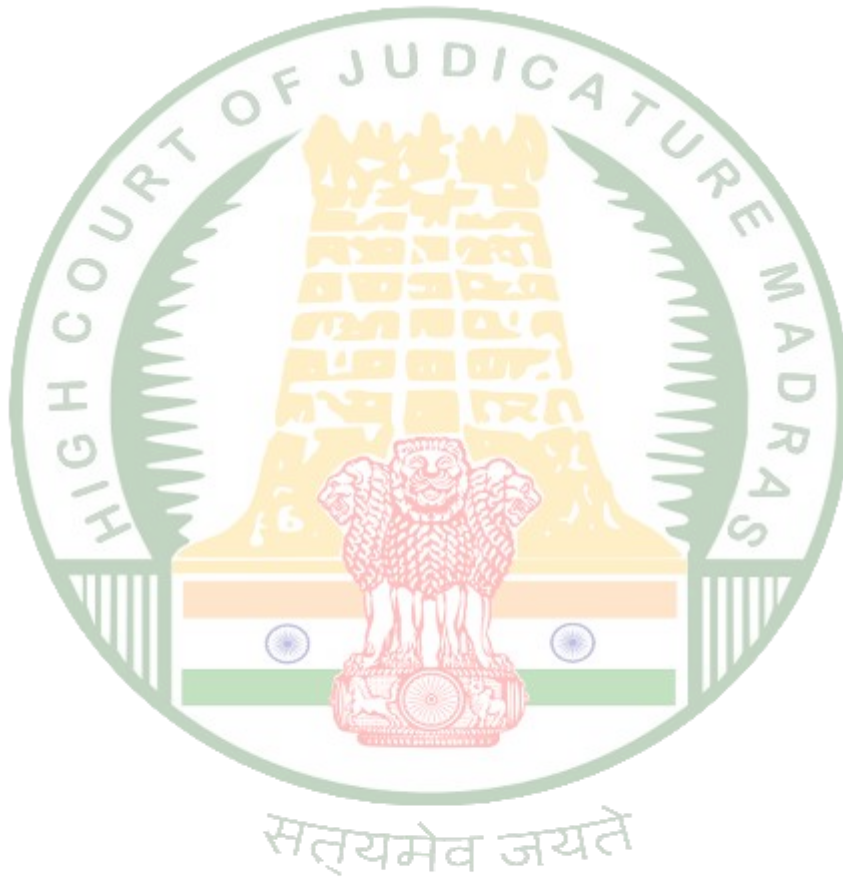
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+1 CC to Mr.R. Prem Narayanan, Advocate sr 43397  
+1 CC to Govt. Pleader sr 43446

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