

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.08.2017

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.3354 OF 2016 &
W.M.P.No.2752 of 2016

E.Murali

[PETITIONER]

Vs

- 1 The Joint Registrar of Co-operative Societies
Kancheepuram Region
Kancheepuram
Kancheepuram District.
- 2 The President
No.1708 Pichivakkam Primary Agricultural Co-
operative Credit Society
Pichivakkam, Sriperumpudur Taluk
Kancheepuram District.
- 3 The Domestic Enquiry Officer
No.1708 Pichivakkam Primary Agricultural
Co-operative Credit Society
Pichivakkam, Sriperumpudur Taluk
Kancheepuram District.

[RESPONDENTS]

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the entire records relating to the impugned order passed by the 3rd respondent in his proceedings U.Vi.No. 25/2015 dated 21.01.2016 and quash the same.

For Petitioner	:Mr.C.Prakasam
For Respondents	:Mr.L.P.Shanmugasundaram-R1 Spl.Govt. Pleader Mrs.T.P.Savitha-R2 & R3

O R D E R

The order of the third respondent issued in proceedings dated 21.01.2016, is under challenge in this writ petition.

2.On a perusal of the impugned order dated 21.01.2016, it is found that the domestic enquiry officer issued a letter to the

writ petitioner to participate in the domestic enquiry. In other words, a call letter sent to the writ petitioner, is under challenge in this Writ petition.

3.The writ petitioner is working as the Secretary of the second respondent Co-operative society and placed under suspension on 27.5.2015. On account of certain irregularities, a charge memo was issued and an enquiry officer was appointed by the disciplinary authority. The Enquiry Officer in order to continue the process of enquiry, issued a call letter to the writ petitioner by proceedings 21.01.2016, to participate him in the domestic enquiry scheduled to be held on 30.1.2016 at about 11.00 am. The writ petitioner instead of participating in the domestic enquiry, by submitting his explanations/ objections to the charge memo and to prove his innocence, moved this writ petition, under Article 226 of the Constitution of India.

4.No writ can be entertained against the Call-Letter directing the delinquent concerned to participate in the domestic enquiry. Any disciplinary proceedings instituted against an employee is to be proceeded with, in accordance with the Rules and the same should reach its logical conclusion. Intermittent intervention in the disciplinary proceedings are not preferable. However, only on exceptional circumstances, this Court can issue a direction against the proceedings and not in a routine manner. Mere issuance of a Call Letter to the writ petitioner directing him to participate in the domestic enquiry will not give any cause of action to move this writ petition under Article 226 of the Constitution of India. Thus, the writ petition is absolutely misconceived and the grounds raised in this writ petition cannot be considered.

5.The learned counsel submits that the subsistence allowance has not been paid to the writ petitioner and that was the reason why he has challenged the call letter.

6.This Court is of the view that an employee placed under suspension is entitled for subsistence allowance in accordance with the Rules. Thus, if the writ petitioner submitted the non-employment certificate, the respondents are at liberty to consider the same for grant of subsistence allowance.

The Writ Petition stands dismissed with the above observation. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

1 The Joint Registrar of Co-operative Societies
Kancheepuram Region
Kancheepuram
Kancheepuram District.

+ 1 cc to M/s.T.P.Savitha, Advocate, SR.60103

+ 1 cc to M/s.C.Prakasam, Advocate, SR.60309

+ 1 cc to The Govt.Pleader, SR.61048

W.P.No. 3354 OF 2016

RSI (CO)
NR 14/09/2017



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