

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2017

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.33759 of 2003

G.Pugazhendhi

..Petitioner

Vs.

1.The Joint Registrar of Cooperative Societies,
Nagapattinam.

2.The Special Officer,
Z-326, Vanduvanchery Primary
Agricultural Cooperative Bank Ltd.,
Vanduvanchery
Vedaranyam Taluk

.... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the first respondent herein made in Na.Ka.No.2377/02 Sa.Pa.dated 07.08.2003 and quash the same and direct the first respondent herein to pay the subsistence allowance to the petitioner for the suspension period.

For Petitioner : Mr. Ramesh

For Respondent No.1 : Mr.L.P.Shanmugasundaram

For Respondent No.2 : Mr.Thangavel

सतगमेव जयते
O R D E R

The petitioner filed a writ petition challenging the suspension order issued by the first respondent/Joint Registrar of Cooperative Societies, dated 07.08.2003 and the same was confirmed under Section 153 of the Tamil Nadu Co-operative Societies Act.

2. Brief facts of the case is as follows:

The petitioner was working as a Senior Clerk in the second respondent Bank. On 23.10.2002, the petitioner was placed under suspension for the misappropriation in disbursing loans for the period 2000 - 2001, pending enquiry, he was charged for causing shortage in the stock on 12.04.2001.

3. The said suspension order was challenged before this court in a writ Petition in W.P.No.39986/2002. This court on 30.10.2002 has disposed of the said writ petition with liberty given to the petitioner to avail the appeal remedy available u/s.153 of the Tamil Nadu Cooperative Societies Act. As per the direction of this court, the petitioner filed an appeal before Joint Registrar of Cooperative Society. On 07.08.2003, the second respondent dismissed the appeal which is challenged before this court by way of the present writ petition.

4. Learned counsel appearing for the second respondent, Mr.Thangavel, would submit that after issuance of suspension order, departmental enquiry was conducted against the petitioner and he was removed from service on 07.12.2004. Moreover, when the suspension order was pending enquiry, he was not paid any subsistence allowance. Since the issue before this court is only challenging the suspension order and subsequently removal order was passed by the disciplinary authority, in view of the subsequent order, this court do not find that anything would survive for adjudication in the writ petition.

In the result, the writ petition is dismissed. No costs. However, it is open to the petitioner to workout his remedy before the appropriate authority including the claim of subsistence allowance.

s/d-
Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

gv
To

1.The Joint Registrar of Cooperative Societies,
Nagapattinam.

2.The Special Officer,
Z-326, Vanduvanchery Primary
Agricultural Cooperative Bank Ltd.,
Vanduvanchery
Vedaranyam Taluk

+1 CC to Mr. Srinath Sridevan, Advocate sr 70210.
+1 CC to Mr.V.R. Thangavel, Advocate sr 70953.
+1 CC to Govt. Pleader sr 70831.

W.P.No.33759 of 2003

SP(24/10/2017)