



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.12987 of 2017

V.Periyakaruppan

... Petitioner

-vs-

1. The Joint Registrar,
Primary Agriculture Cooperative Society,
Madurai-Sivagangai Road,
Sivagangai District.

2. The President,
N.N.294 Primary Agriculture Cooperative Bank,
Malavarayanenthall,
Thirupasethi Post,
Via Manamadurai,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to give the petitioner's employment back in the 2nd respondent society by considering his written representation dated 16.03.2017 or otherwise also within the time to be fixed by this Hon'ble Court.

For Petitioner : Mr.P.Senthurpandian
For Respondents : Mr.K.Guru
Addl. Govt. Pleader

O R D E R

This Writ Petition has been filed seeking a direction to the respondents to give the petitioner's employment back in the 2nd respondent society by considering his written representation dated 16.03.2017.

2. Heard the learned counsel appearing for the petitioner. The learned Additional Government Pleader takes notice for the respondents. By consent the writ petition itself is taken up for final disposal at the admission stage.

3. The facts leading to the filing of the Writ petition are as follows:-

<https://hcservices.ecourts.gov.in/hcservices/>

i) While the petitioner was working as Senior Accountant in the 2nd respondent Office, charges were framed against him and four

other co-employees for some misconduct, on account of which, Trial was conducted in C.C.No.190 of 2004 on the file of the learned Judicial Magistrate No.II, Sivagangai;

ii) The petitioner, based on the legal opinion that if he pleads guilty, he would be released under the Probation of Offenders Act and a judgment would be rendered to that effect by extending the benefit of Probation of Offenders Act, had accepted the offence, though he initially denied the same and subsequently, learned Judicial Magistrate No.II, Sivagangai vide judgment dated 12.03.2014 had released him under Section 4(1) of the said Act, holding that he would be entitled for the benefit of the Act and it would not affect his service;

iii) The petitioner, narrating all material facts, has sent a written representation dated 16.03.2017 to the respondents requesting them to take him back as an employee of the 2nd respondent and since the same did not evoke any response, he is before this Court with the above prayer.

4. Under such circumstances, this Court, without going into the merits of the matter, directs the respondents to consider the representation of the petitioner dated 16.03.2017 and pass appropriate orders thereon on merits and in accordance with law by taking into consideration the order passed by the learned Judicial Magistrate No.II, Sivagangai in C.C.No.190 of 2014, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CSII)

/True Copy/

Sub-Assistant Registrar

To:

1. The Joint Registrar,
Primary Agriculture Cooperative Society,
Madurai-Sivagangai Road, Sivagangai District.

2. The President,
N.N.294 Primary Agriculture Cooperative Bank,
Malavarayanenthall, Thirupasethi Post,
Via Manamadurai, Sivagangai District.

+One cc to Mr.P.Senthurpandian, Advocate, SR.No.65838

+One cc to The Special Government Pleader, SR.No.65919

ar/rm

<https://hccourt.gov.in/cases/24/7/2017>

W.P(MD) No.12987 of 2017

14.07.2017