



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2017

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THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) Nos.1878 and 1923 of 2017

and

W.M.P (MD) Nos.1542 and 1587 of 2017

1.Murugan ... Petitioner in W.P(MD)No.1878 of 2017

2.B.Soundarapandian ... Petitioner in W.P(MD)No.1923 of 2017

Vs.

1.The Joint Registrar of Cooperative Society,
Ramnad Region, Ramnad.

2.The Deputy Registrar of Cooperative Society,
Paramakudi Circle, Paramakudi.

3.The Joint Registrar cum Managing Director,
Ramnad District,
Central Cooperative Bank,
Vandikara Street,
Ramanathapuram.

.. Respondents in both W.Ps'

Prayer in W.P(MD)No.1878 of 2017: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus calling for the documents relating to the order passed by the third respondent in Na.Ka.No.003015/2016(LAI) E1, dated 29.12.2016 and to quash the same and consequently to direct the respondents to grant all the service benefits to the Petitioner.

Prayer in W.P(MD)No.1923 of 2017: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus calling for the documents relating to the order passed by the first respondent in R.C.No.7025/2016/EM, dated 29.12.2016 and to quash the same and consequently to direct the respondents to reinstate the Petitioner with all the service and monetary benefits.

For Petitioner : M/s.K.P.Narayanakumar



For Respondents : Mr.S.Sathish Kumar
1 and 2 in both W.Ps' Addl. Govt.Pleader

For Respondent-3 : Mr.D.Shanmugaraja Sethupathi
in both W.Ps'

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COMMON ORDER

W.P(MD)No.1878 of 2017 has been filed, seeking for issuance of a writ of Certiorarified Mandamus calling for the documents relating to the order passed by the third respondent in Na.Ka.No.003015/2016(LAI)E1, dated 29.12.2016 and to quash the same and consequently to direct the respondents to grant all the service benefits to the Petitioner.

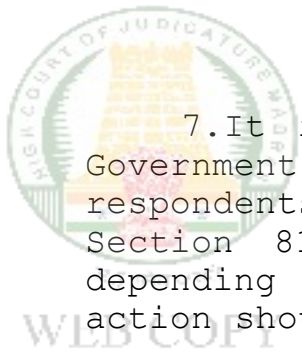
2.W.P(MD)No.1923 of 2017 has been filed, seeking for issuance of a writ of Certiorarified Mandamus for issuance of a writ of Certiorarified Mandamus calling for the documents relating to the order passed by the first respondent in R.C.No.7025/2016/EM, dated 29.12.2016 and to quash the same and consequently to direct the respondents to reinstate the Petitioner with all the service and monetary benefits.

3.Heard the learned counsel on either side and perused the materials placed before this Court.

4.The Petitioners have challenged the order of suspension passed against them by the Co-operative Society as well as the orders passed by the Joint Register of the Society concerned.

5.Without going into the maintainability of the Writ Petitions, this Court is of the view that the Writ Petitions against the suspension order of the Cooperative Society is not maintainable before this Court and that there is no relationship between them as employer-employee. It is stated that there is a dereliction of duty and the jewels pledged in the locker has been misplaced and that the Petitioners have been made as a scape-goat and that the Petitioners have submitted that they are employees under the Government and they have been deputed to the Co-operative society and they have got the lien over the parent department and that they have been posted as Filed Managers at Muthukulathur. They would further submit that they have been unnecessarily, for no fault of them, has been made as a scape-goat and suspension orders have been passed and punishments have been imposed on them.

6.It is represented by the learned counsel for the third respondent that already criminal cases have been filed and that the same has been pending and that the criminal cases are at preliminary stage of investigation and moreover, suspension is not
<https://hcservices.mca.gov.in/hcservices/> and the Petitioners can establish their innocence before the authorities concerned.



7.It is contended by Mr.S.Sathish Kumar, learned Additional Government Pleader appearing for the respondents 1 and 2 that the respondents are contemplating action against the Petitioners under Section 81 of the Tamil Nadu Co-operative Societies Act and depending upon the outcome of Section 81 proceedings, further action should be taken against them.

8.In view of the above, this Court is of the view that the suspension is not a punishment and that the charges levelled against the Petitioners are serious in nature, this Court expects the concerned disciplinary authorities to complete the proceedings initiated under Section 81 of the Tamil Nadu Cooperative Societies Act against the Petitioners, at the earliest point of time, preferably within a period of three months from the date of receipt of a copy of this order. Needless to say that the Petitioners are entitled to subsistence allowance during their suspension period. However, this Order will not preclude the respondents concerned from reinstating the Petitioners and proceed further against them in accordance with law, if so warrants. In case, during enquiry, if the authorities concerned found that the Petitioners have not involved in the offence as alleged against them or the charges levelled against them are not proved, the Petitioners are entitled to give representation to the authorities concerned and if such representation is made by them, the same shall be considered in accordance with law, if there is no other legal impediment to do so. This Court makes it clear that if charge-sheet is filed against the Petitioners, then the authorities concerned/Enquiry Officer is directed to conduct the enquiry on day-to-day basis, without adjourning the matter beyond five days, at any point of time. The Petitioners are directed to co-operate with the enquiry proceedings so as to enable the Enquiry Officer to complete the same at the earliest point of time.

9.With the above observations and directions, these Writ Petitions stands disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To:

1.The Joint Registrar of Cooperative Society,
Ramnad Region, Ramnad.

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

2.The Deputy Registrar of Cooperative Society,
Paramakudi Circle, Paramakudi.



3.The Joint Registrar cum Managing Director,
Ramnad District,
Central Cooperative Bank,
Vandikara Street,
Ramanathapuram.

+1 cc to M/s.K.P.Narayana Kumar, Advocate in SR.No. 7764
+2 cc's to D.Shanmugaraja Sethupathi, Advocate in SR.No. 7866
+1 cc to M/s.K.P.Narayana Kumar, Advocate in SR.No. 7763

vsn

CSL/MR/28.02.2017 : 4P/8C

W.P. (MD) Nos.1878 and 1923 of 2017
and
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