



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) .Nos.4537 and 4538 of 2017

and

W.M.P. (MD) .Nos.3632, 3633, 3634 and 3635 of 2017

WEB COPY

C.Saravanan

... Petitioner in W.P.(MD).Nos.4537 of 2017

K.Selvam

... Petitioner in W.P.(MD).Nos.4538 of 2017

Vs.

The Joint Registrar / Managing Director,
Ramnad District Central Co-operative Bank Ltd.,
Ramanathapuram District.

.. Respondent in both Writ Petitions

COMMON PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records relating to the impugned suspension orders issued by the respondent in his proceedings in Na.Ka.003148/2016-2017/L.A.2, dated 06.03.2017.

For Petitioners in both W.Ps : Mr. M.Ajmal Khan,
Senior Counsel,
for M/s.Ajmal Associates

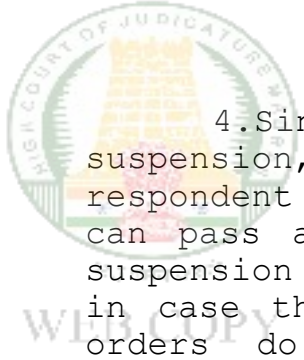
For Respondent in both W.Ps : Mr.D.Shanmugarajasethupathy
Additional Government Pleader

COMMON ORDER

These Writ Petitions have been filed for issuance of a Writ of Certiorari, calling for the records relating to the impugned suspension orders issued by the respondent in his proceedings in Na.Ka.003148/2016-2017/L.A.2, dated 06.03.2017.

2.Heard the learned senior counsel appearing for the petitioners in both the Writ Petitions and the learned counsel appearing for the respondent in both the Writ Petitions.

3.Challenging the orders independently passed against the petitioners, temporarily suspending them from service, the petitioners are before this Court. The main ground, on which, the petitioners challenge the order of suspension is that the said order was not passed either in contemplation of enquiry or pending any criminal case. The second ground, on which, the petitioners challenge the order of suspension is that the respondent has not issued any charge memo within a reasonable time. Though the Writ Petitions were filed immediately after the order of suspension, the learned senior counsel pointed out that till date no charge memo is served.



4. Since, three months have been lapsed after the order of suspension, this Court directed, the learned counsel for the respondent to get instructions from his clients, so that this Court can pass appropriate orders, setting aside the impugned order of suspension leaving it open to the respondent, to pass orders afresh in case they wish to initiate disciplinary proceeding. Impugned orders do not indicate that the order of suspension is in contemplation of disciplinary proceeding. Admittedly, no disciplinary proceeding is initiated so far.

5. The learned senior counsel appearing for the petitioners in both the Writ Petitions submitted that the impugned orders may be set aside, after leaving it open to the respondent to take disciplinary proceedings and then to pass an order of suspension, if it is required in the interest of the society. The learned counsel for the respondent has no objection to this course.

6. Having regard to the submissions made by the learned counsel on either side, this Court is inclined to set aside the impugned order in both the Writ Petitions. However, the respondent is at liberty to either initiate disciplinary proceedings by issuing charge memo and pass an order of suspension either pending or in contemplation of such disciplinary proceeding, if it is so warranted in the interest of the society.

7. Accordingly, the Writ Petitions are allowed and disposed of with the above direction. However, there is no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Joint Registrar / Managing Director,
Ramnad District Central Co-operative Bank Ltd.,
Ramanathapuram District.

+2cc to M/s. Ajmal Associates Advocate in SR. No. 60270, 60273
+1cc to Mr. D. Shanmugaraja Sethupathy Advocate in SR. No. 59922
KM/GNS
JS/SV.MMS/SAR.1/30.06.2017/2P-5C

COMMON ORDER MADE IN
W.P. (MD) .Nos. 4537 and 4538 of 2017

and

W.M.P. (MD) .Nos. 3632, 3633, 3634 and 3635 of 2017

13.06.2017