

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2018

CORAM

THE HONOURABLE MR. JUSTICE R.SURESH KUMAR

W.P.No.25245 of 2004
and W.P.M.P.No.30709 of 2004

M.Selvaraj

... Petitioner

Vs

The Special Officer
No.V.T-661, Panaiolaipady Primary
Agricultural Co-op Bank Ltd.,
Padi Agraharam Post,
Chengam Taluk,
Tiruvannamalai District. Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the entire records relating to the impugned orders of suspension of service of the petitioner passed by the respondent in his Proceedings No.Nil., dated 15.04.2004 and quash the same.

For Petitioner : No Appearance
For Respondent : No Appearance

ORDER

The prayer sought for herein is for a writ of certiorari, calling for the entire records relating to the impugned orders of suspension of service of the petitioner passed by the respondent in his Proceedings No.Nil., dated 15.04.2004 and quash the same.

2. The petitioner was working as Secretary of the respondent Primary Agricultural Co-operative Bank Ltd. While so, on the proposed disciplinary action to be initiated against him, the petitioner was placed under suspension by order, dated 15.04.2004. Challenging the same, this writ petition has been filed.

3. Since the petitioner had been suspended by the impugned order in the year 2004, whether all these years the petitioner has been still under suspension is not known. Moreover once a disciplinary action as stated in the impugned order has subsequently been initiated against the

petitioner, that would have reached its logical conclusion and in that case, the order of suspension would get merged. If there is no disciplinary action initiated against the petitioner, then such kind of suspension order cannot be prolonged beyond six months period, in view of the law settled in this regard.

4. In that, view of the matter, this writ petition is disposed of with the following order :

(i) If the impugned order of suspension is not already revoked, the same shall be reviewed by the respondent society and take a decision thereon, since it is a prolonged suspension.

(ii) It is made clear that, if the impugned order of suspension got merged with any final order passed in the disciplinary proceedings subsequently initiated against the petitioner, the respondent need not go into the correctness of the impugned suspension order.

With these direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(ccc)

//True Copy//

Sub Assistant Registrar

tsvn

To

The Special Officer
No.V.T-661, Panaiolaipady Primary
Agricultural Co-op Bank Ltd.,
Padi Agraharam Post,
Chengam Taluk,
Tiruvannamalai District.

+1cc to Mr.C.Prakasam , Advocate SR.No. 75933

W.P.No.25245 of 2004

ASK(28/11/2018)