

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.09.2018

CORAM

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

W.P. No.23166 of 2018

A.Muruganantham

..... Petitioner

Vs

1. The Joint Director / Managing Director,
The Kanchipuram Murugan Silk Handloom
Weavers Co-operative Production & Scale,
No.39, Ennaikkara Street,
Kanchipuram.

2. The Tamil Nadu State Rep. By the
Secretary to Government,
Handlooms, Handicrafts, Textiles
and Khadi department,
Secretariat, Chennai 600 009

..... Respondents

PRAYER Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorari Calling the records pertaining to the Suspension Order dated 26.06.2018 passed by the 1st respondent and quash the same as its is illegal, arbitrary and in violation of the principles of the natural justice and unconstitutional being violation of Section 76 of the Tamil Nadu Co-operative Societies Act, 1983.

For Petitioner : Mr.Kanchi G.V.Mathiazhagan

For Respondents : Mr.L.P.Shanmugasundaram,
Standing Counsel

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O R D E R

The petitioner while working in Co-operative Societies under the 1st respondent, has been put under suspension vide impugned order dated 26.06.2018 and he has come to challenge the same that in the absence of a specific charge, he could not have been put under suspension, more so, for an indeterminate period and hence, the same is liable to be quashed.

2. During the course of hearing on admission, the learned counsel appearing for the petitioner has drawn the attention of this Court to the aforesaid averments and submits that the impugned order of suspension is illegal and as such, notice be issued and after hearing the parties, the same be quashed.

3. However, Mr.L.P.Shanmugasundaram, learned Special Government Pleader (Co-operatives) who accepts notice on behalf of respondents, submits that the petitioner has no case, inasmuch as he has been suspended in contemplation of disciplinary action.

4. Regard being had to the facts and circumstances of this case, especially on perusal of the impugned order, it appears that the Authority/respondent having decided to proceed against the petitioner for certain irregularities suspended him in contemplation of drawal of disciplinary proceeding. The aforesaid power is available to the 1st respondent/employer and therefore, the contention of the petitioner challenging such suspension on the ground stated prima facie appears to be without any merit. Accordingly, I am not inclined to entertain this writ petitioner and as such, dismissed the same at the stage of admission. However, there shall be no order as to costs.. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Joint Director / Managing Director,
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2. The Tamil Nadu State Rep. By the
Secretary to Government,
Handlooms, Handicrafts, Textiles
and Khadi department,
Secretariat, Chennai 600 009

+1 CC TO GOVERNMENT PLEADER SR.NO. 62151

+1cc to Mr.Kanchi G.V.Mathiazhagan , Advocate SR.No.61529

+1cc to Mr.L.P.Shanmugasundaram, , Advocate SR.No. 62430

W.P. No.23166 of 2018

ASK (26/09/2018)