

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.05.2018

CORAM

THE HONOURABLE MR. JUSTICE C.V. KARTHIKEYAN

W.P. No. 12457 of 2018 and
W.M.P. Nos. 14592 & 14593 of 2018

P. Jayachandra Sekar

..Petitioner

Vs.

1. The Joint Registrar of Co-operative Societies,
Tiruppur Region, Tiruppur, Tiruppur District.
2. The Deputy Registrarr of Co-operative Societies,
Dharapuram Circle, Dharapuram,
Tiruppur District.
3. The Administrator,
Kongalnagaram Primary Agricultural
Co-operative Credit Society,
Kongalnagaram, Gudimangalam Via,
Udumalpet Taluk,
Tiruppur District.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned order passed by the 3rd respondent in his proceedings No.Nil dated 27.04.2018 and quash the same and consequently direct the respondents to reinstate the petitioner into service with attendant benefits and other monetary benefits to the petitioner.

For Petitioner :: Mr.C. Prakasam

For Respondents:: Mr.L.P.Shanmugasundaram,
Government Pleader

for R1 & R2

Mrs.T. Girija for R3

O R D E R

This Writ Petition has been filed to call for the entire records relating to the impugned order passed by the 3rd respondent in his proceedings No.Nil dated 27.04.2018 and quash the same and consequently direct the respondents to reinstate the petitioner into service with attendant benefits and other monetary benefits to the petitioner.

2. By consent of both sides, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The writ petitioner has been suspended from service by way of impugned order dated 27.04.2018. On the same day, the petitioner was also given a charge memo. The first charge states that though notice was issued, he had not participated in the Departmental enquiry which was conducted with respect to earlier charge memo issued to the petitioner. In the second charge, it has been subsequently stated that though three times notice was issued to the petitioner he has not come forward to participate in the enquiry. Consequently, the petitioner has been suspended from service. It is the grievance of the petitioner that the petitioner was originally removed from service and by orders of this Court he has been reinstated. The petitioner has stated that since he approached this Court, the impugned order had been passed.

4. According to the learned counsel for the petitioner he is also working in another Co-operative Society and consequently there is no obligation on his part to participate in the enquiry as mentioned in the charge memo.

5. Heard the learned counsel for the petitioner as well as the learned counsel who took notice on behalf of the respondents.

6. If the petitioner is in employment and during the course of employment any incident happened inviting disciplinary Proceedings to be initiated against him, the petitioner has an obligation to participate in the enquiry. He cannot abstain in any manner and refuse to participate in the Disciplinary Proceedings. Consequently, I find no infirmity in the impugned order passed against the petitioner. The petitioner has to answer the charge memo and he has to be participate in the enquiry. The suspension is not punishment per se.

7. With the above observation, the writ petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar/V.O.

//True Copy//

Sub Assistant Registrar

arr/ah

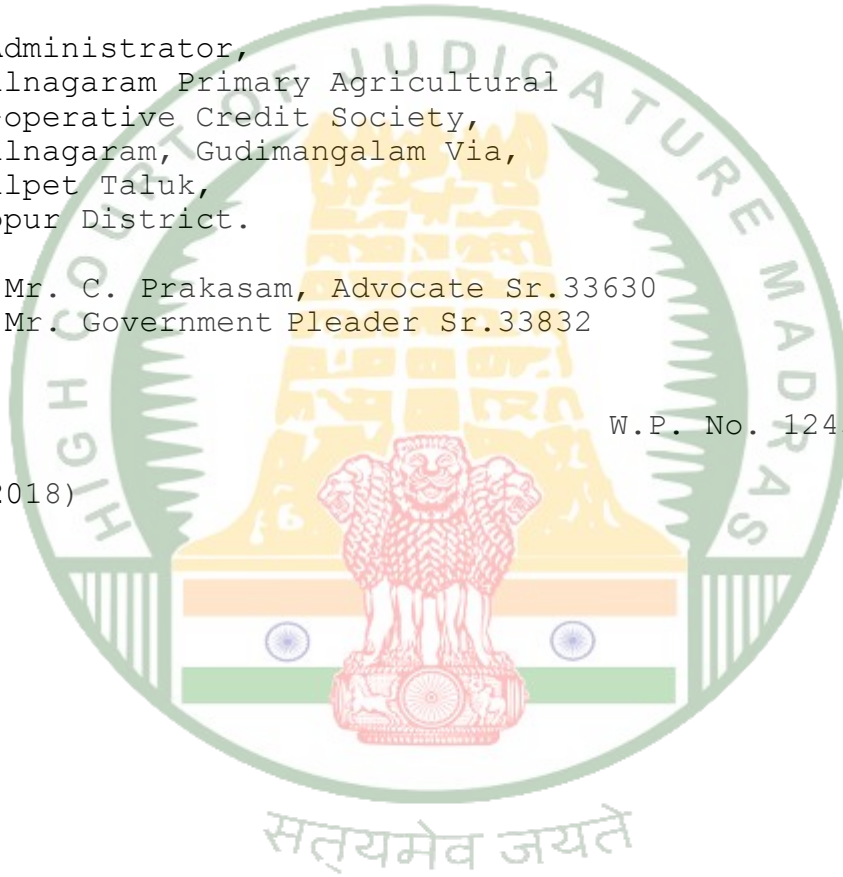
To

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Kongalnagaram, Gudimangalam Via,
Udumalpet Taluk,
Tiruppur District.

+ 1 cc to Mr. C. Prakasam, Advocate Sr.33630
+ 1 cc to Mr. Government Pleader Sr.33832

NRL (CO)
EU (18/05/2018)

W.P. No. 12457 of 2018



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