

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.09.2018
Coram

The Hon'ble Mr. Justice Satrugana Pujahari

Writ Petition No. 24941 of 2018
and
W.M.P.No. 28987 of 2018

T. Radhakrishnan ...Petitioner

Vs.

1. The Deputy Registrar of Co-operative Societies,
Thirukoilur, Villupuram District.
2. Co-operative Sub-Registrar/Field Officer,
Ulunthurpettai, Villupuram District.
3. The President,
Primary Agricultural Co-operative Credit Societies,
Kumaramangalam, Villupuram District.
...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for records of first respondent in proceeding Na.Ka.No. 624/2014 Thoo.Ve.Sa dated 04.09.2018 and to quash the same and consequently direct the first respondent to permit the petitioner to continue in service the present station.

For Petitioner : Mr.S.Sairaman

For Respondents : Mr.L.P.Shanmugasundaram
Spl Government Pleader (Co-op)

ORDER

Heard Mr. S.Sairaman, the learned counsel appearing for the petitioner and Mr. L.P.Shanmugasundaram, learned Special Government Pleader, who accepts notice on behalf of the respondents. With the consent of the learned counsel on either side, the Writ Petition is taken up for disposal.

2. The petitioner in this writ petition has come to challenge the order of the first respondent suspending him from service vide impugned order bearing Na.Ka.No.624/2014 Thoo.Ve.Sa, dated 04.09.2018 to be illegal, inasmuch as he is incompetent to pass the said order and therefore, made a prayer to quash the same.

3 . The learned counsel for the petitioner drawing the notice of this Court to the Government Order in G.O. (2D)No.108, Co-operation, Food and Consumer Protection Department dated 31.08.2005 submits that the power of suspension is not available to the first respondent from the said Government Order. Therefore, the first respondent being incompetent to exercise such power, the order is illegal and hence, he submits to quash the same.

4. The learned Special Government Pleader appearing for the respondents however, fairly submits that such power is not available to the Deputy Registrar.

5. In view of the aforesaid submissions, this Court is of the view that the impugned order being without jurisdiction, no useful purpose is going to be served by keeping the writ petition pending, inasmuch as considering such submission of the counsel for the respondents and also the statutory provisions, the petitioner appears to have a case. Accordingly, this Writ Petition is allowed, quashing the impugned order and the first respondent is directed to take the petitioner into service immediately, regularizing the interregnum period from the date of suspension till date. However, in the circumstances, there shall be no order as to costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS vi)

//True Copy//

Sub Assistant Registrar

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To

1. The Deputy Registrar of Co-operative Societies,
Thirukoilur, Villupuram District.
2. Co-operative Sub-Registrar/Field Officer,
Ulunthurpettai, Villupuram District.

3. The President,
Primary Agricultural Co-operative Credit Societies,
Kumaramangalam, Villupuram District.

+1 CC TO GOVERNMENT PLEADER SR.NO. 65845
+1cc to Mr.L.P.Shanmugasundaram , Advocate SR.No. 65688
+1cc to Mr.S.Sairaman, Advocate SR.No. 65461 (27/09/2018)

Writ Petition No. 24941 of 2018

ASK(26/09/2018)



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