

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.2867 of 2018
and W.M.P.Nos.3538 & 3539 of 2018

C.Ragu

... Petitioner

Vs.

1.The Joint Registrar of Co-operative
Societies, Vellore Region, Vellore.

2.The Deputy Registrar of Co-operative
Societies, Thiruppathur,
Vellore District.

3.C2531, Poongulam Primary Agricultural
Co-operative Society Ltd.,
rep. by its President,
Poongulam, Vaniyambadi Taluk,
Vellore District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the order passed by the second respondent in Na.Ka.No.3103/2017Ve.Sa(2) dated 13.11.2017 and consequential order of suspension passed by the third respondent dated nil quash the same and direct the respondents to reinstate the petitioner forthwith.

For Petitioner : Mr.M.S.Palaniswamy

For RR1 & 2 : Mr.L.P.Shanmugasundaram
Special Government Pleader

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ORDER

The petitioner was placed under suspension by an order dated 16.11.2017 passed by the third respondent/President, C2531, Poongulam Primary Agricultural Co-operative Society Ltd., Poongulam, Vaniyambadi Taluk, Vellore District. Challenging the same, a writ petition in W.P.No.31821 of 2017 was filed. But, however, a memo was also filed by the petitioner on 11.12.2017, which is given as under:

"It is submitted that the third respondent society is agreed to reinstate the petitioner in service. Hence the petitioner may be permitted to withdraw the writ petition with liberty."

2.A perusal of the said memo shows that the President of C2531, Poongulam Primary Agricultural Co-operative Society Ltd., Poongulam, Vaniyambadi Taluk, Vellore District/third respondent herein had agreed to reinstate the petitioner and based on which, the petitioner was advised to withdraw the writ petition. Based on the said memo, this Court passed an order on 12.12.2017, dismissing the writ petition as withdrawn. In spite of the above events, the order of suspension has not been revoked. This Court has also given time to the respondents to file counter affidavit, but they have not even filed counter. Moreover, they have not paid the subsistence allowance to the petitioner. In such circumstances, the respondents are directed to pay the subsistence allowance to the petitioner.

3. With the above direction, this writ petition stands allowed and the impugned order passed by the second respondent in Na.Ka.No.3103/2017Ve.Sa(2) dated 13.11.2017 and the consequential order of suspension passed by the third respondent dated 16.11.2017 stand quashed. No costs. The connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

abr

To

1.The Joint Registrar of Co-operative Societies, Vellore Region, Vellore.

2.The Deputy Registrar of Co-operative Societies, Thiruppathur, Vellore District.

+1cc to Mr.M.S.Palanisamy, Advocate, S.R.No.15512

+1cc to the Government Pleader, S.R.No.16334

W.P.No.2867 of 2018

GMR(CO)

RRK(13/03/2018)