

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE:18.09.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.18231 of 2018

P.Sumathi

..Petitioner

Vs.

1. The Joint Registrar of Co-operatives,
Villupuram,
Villupuram District
2. The Deputy Registrar of Co-operatives,
Villupuram,
Villupuram District
3. The Secretary / Administrator,
I.I.588, Primary Agricultural
Co-operative Credit Society Limited,
Senkurichi,
Villupuram District

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus to direct the respondents 1 to 3 to allow the petitioner to join the duty as per the proceedings of the third respondent board dated 28.02.2018 within a reasonable time.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.L.P.Shanmuga Sundaram,
Special Government Pleader

ORDER

The grievance of the petitioner in this case is that while working as Salesman under the third respondent society, he was put under suspension for the first time on 20.11.2012 for being involved in a case defalcation of funds, a misconduct. Admittedly, a criminal case is pending against him for the same. Thereafter the Authority admittedly revoked such order of suspension and reinstated him in service and accordingly the petitioner joined in service on 01.04.2013. Thereafter, for reasons best known to them, the Authority again suspended him without any new materials on record on 20.04.2013 and again revoked the same on 28.02.2018. Thereafter, the petitioner was allowed to discharge duty but now from May 2018 onwards, he is not allowed to discharge his

duty and he has not been communicated anything in this regard in writing. Hence, he has come to file the writ petition to direct the third respondent to allow him to join in duty in view of the Board Proceedings dated 28.02.2018.

2. The learned counsel appearing for the petitioner, submits that the third respondent has not allowed the petitioner to join in the duty without any justifiable reasons though the order of suspension has been revoked and even thereafter he has worked for some time and hence he has come to this Court with a prayer to issue a writ of mandamus directing the third respondent to allow the petitioner to discharge his duty.

3. Counter affidavit has not been filed in spite of opportunity given. However, the learned counsel appearing for the respondents, submits that such revocation of suspension of the petitioner being without the approval of the appropriate Authority, the same cannot be sustained in the eye of law and as such the writ petition is liable to be dismissed.

4. Be that as it may, since no order nullifying the aforesaid revocation of suspension order has been passed by the appropriate Authority and the petitioner said to have joined in duty after such revocation of the suspension, this Court is of the view that the action of the third respondent not allowing the petitioner to discharge his duty cannot be sustained scrutiny in the eye of law and I would therefore allow this writ petition and consequently direct the third respondent to allow the petitioner to discharge his duty soon after the receipt of the copy of this Order. No costs.
lok

Sd/-

Assistant Registrar (VII)

// True Copy//

सत्यमेव जयते

Sub Assistant Registrar

+ 1 CC TO Mr.S.SIVAKUMAR, ADVOCATE SR 64732
+ 1 CC TO M/s.L.P.SHANMUGASUNDARAM, ADVOCATE SR 64775
+ 1 CC TO THE GOVT. PLEADER, SR 64994

KR/8/10/18

W.P.No.18231 of 2018