

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 16.11.2018
CORAM
THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.30158 of 2018
and
W.M.P.No.35207 of 2018

P.Sagadevan

... Petitioner

Vs

1.The Joint Registrar of Co-Operative Societies,
Dharmapuri Region,
Dharmapuri.

2.The Deputy Registrar of Co-Operative Societies,
Dharmapuri Circle,
Dharmapuri.

3.K.K.25, Mothur Primary Agricultural Co-Operative Society,
Rep.by its President,
Mothur Village and Post,
Dharmapuri District.

4.V.Anandan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus to forbear the respondents from proceeding with the domestic enquiry pursuant to the charge memo dated nil issued by the 3rd respondent without complying the petitioners request dated 10.05.2016, 01.08.2016, 16.08.2016, 03.05.2017, 06.03.2018 and 05.10.2018 seeking payment of subsistence allowance and also relevant documents to the petitioner.

For Petitioner : Mr.V.Ravichandran

For Respondents : Mr.L.P.Shanmugasundaram
R1 to R3 Special Government Pleader

ORDER

Mr.L.P.Shanmugasundaram, learned Special Government Pleader takes notice for the respondents. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2. The prayer sought for in this writ petition is to forbear the respondents from proceeding with the domestic enquiry, pursuant to the charge memo dated nil issued by the third respondent, without considering the petitioner's representations dated 10.05.2016, 01.08.2016, 16.08.2016, 03.05.2017, 06.03.2018 and 05.10.2018, with regard to payment of subsistence allowance and furnishing relevant documents to him.

3. It is the case of the petitioner that he was appointed as a Clerk in the third respondent Society and was subsequently promoted as Secretary. While so, he was placed under suspension on 01.08.2015. The third respondent issued a charge memo dated nil to the petitioner on 26.07.2016. Thereafter, the petitioner submitted several representations to the respondents 2 and 3, requesting them to furnish the copies of the documents relying upon in the charge memo and also pay subsistence allowance. However, the third respondent has not considered the said representations, but, issued a notice dated 12.10.2018, calling upon the petitioner to appear for enquiry before the fourth respondent. Challenging the same, the petitioner is before this Court.

4. Though the petitioner raised very many grounds in this writ petition, the learned counsel for the petitioner, during the course of his argument, confined the prayer, to the extent of seeking a direction to the third respondent to consider the claim of the petitioner, with regard to payment of subsistence allowance, for which, the learned Special Government Pleader appearing for the respondents has no serious objection.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the third respondent to consider the latest representation of the petitioner dated 05.10.2018, with regard to payment of subsistence allowance and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. However, it is made clear that this order will not preclude the respondents from proceeding with the enquiry proposed to be conducted.

6. With the above directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Joint Registrar of Co-Operative Societies,
Dharmapuri Region,
Dharmapuri.
- 2.The Deputy Registrar of Co-Operative Societies,
Dharmapuri Circle,
Dharmapuri.
- 3.The President,
K.K.25, Mothur Primary Agricultural Co-Operative Society,
Mothur Village and Post,
Dharmapuri District.

+1cc to Mr.V.Ravichandran , Advocate SR.No. 78442
W.P.No.30158 of 2018
and
W.M.P.No.35207 of 2018
ASK(04/01/2019)

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