



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.1494 of 2018

Rajendran

... Petitioner

Vs.

1.The Registrar of Co-operative Societies,
No.170, E.V.R. Periyar High Road,
Kilpauk, Chennai - 600 010.

2.The Joint Registrar of Co-operative
Societies,
Thanjavur.

3.The President,
Sub-Committee for Disciplinary
Proceedings,
Kumbakonam Co-operative Urban
Bank Ltd,
Kumbakonam,
Thanjavur District.

4.The Managing Director,
Kumbakonam Co-operative Urban
Bank Ltd,
Kumbakonam,
Thanjavur District.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 1 and 2 to proceed with the execution proceedings to execute the order dated 23.02.2016 passed by the second respondent in Revision Petition No.1/2015 as per the Provisions and Rules of Tamil Nadu Co-operative Societies Act and Rules and pass necessary orders as against the third and fourth respondents within stipulated time as may be fixed by this Court.

For Petitioner : Mr.S.Rajaprabu

For Respondents : Mr.K.Saravanan,
Government Advocate
for R1, R2 and R4
No appearance for R3



ORDER

The petitioner is employed in the fourth respondent Bank. He was suspended on 30.04.2013. Charge memo was issued on 15.03.2013. On 31.10.2013, the fourth respondent awarded punishment of stoppage of increment for three years with cumulative effect. Suspension period was treated as one of an unearned leave. The petitioner preferred an appeal before the third respondent. The third respondent by order dated 08.12.2014 modified the order under appeal. Suspension was modified. The petitioner preferred a Revision before the second respondent. The second respondent further modified and the stoppage of increment was now made into one of 2 years but without cumulative effect. The suspension period was ordered to be treated as eligible leave.

2.However, till date, the said order has not been implemented by the fourth respondent. In fact, the second respondent issued notice under Section 155 of the Tamil Nadu Co-operative Societies Act, 1983 calling upon the fourth respondent as to why the order dated 23.02.2016 has not yet been executed. But till date, there is no response from the third and fourth respondent. This inaction on the part of the third and fourth respondent necessitated the institution of the present writ proceedings.

3.When the matter was taken up for disposal, the learned Government Advocate appearing for the respondents 1, 2 and 4 on instructions would submit that within one week, the order passed by the second respondent would be implemented. The order of regularization shall be passed within one week from the date of receipt of a copy of this order.

4.This writ petition stands allowed. No costs.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

SKM
To

1.The Registrar of Co-operative Societies,
No.170, E.V.R. Periyar High Road,
Kilpauk, Chennai - 600 010.

<https://hcservicescourts.gov.in/hcservices/>
2.The Registrar of Co-operative Societies, Thanjavur.



3.The Managing Director,
Kumbakonam Co-operative Urban
Bank Ltd,
Kumbakonam,
Thanjavur District.

+1 cc to Special Government Pleader SR.No.51922

+1 cc to MR.S.RAJA PRABHU, Advocate SR.No.51723

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SMA/VR/SAR-3/04.06.2018:3P/6C