



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. 3687 of 2018
and
W.M.P (MD) No. 3833 of 2018

M.Maruthai

.. Petitioner

Vs.

1. The Deputy Registrar of Co-operative Societies,
Musiri Circle Co-operative Societies,
Musiri,
Trichy District.

2. The President,
Kottapalayam Primary Agricultural Co-operative
Credit Society,
Thuraiyur Taluk,
Trichy 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 impugned suspension order passed by the second respondent pertaining to its order dated 13.11.2017, quash the same and consequently directing the second respondent to allow petitioner to work.

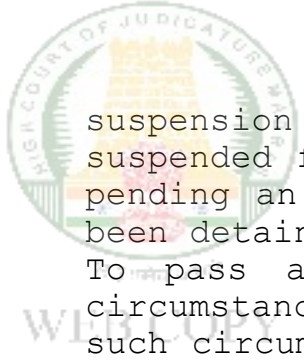
For petitioner : Mr.M.Subash Babu
For R1 : Mr.J.Gunaseelan Muthaiah
Additional Government Pleader
For R2 : Mr.A.Thiyagarajan

O R D E R

Heard Mr.M.Subash Babu, learned Counsel for the petitioner and Mr.J.Gunaseelan Muthaiah, learned Additional Government Pleader for the first respondent and Mr.A.Thiyagarajan, learned counsel for the second respondent.

2.By consent of both parties, the main writ petition is taken up for final disposal at the stage of admission itself.

3.The petitioner is working as Secretary (in-charge) of the second respondent Society. By order dated 13.11.2017, he was suspended from service. This Court went through the text of the



suspension order. No particulars are set out. An employee can be suspended from service in contemplation of holding of an enquiry or pending an enquiry. If in connection with a criminal case, he has been detained for more than 48 hours, then also he can be suspended. To pass an order of suspension there must be some antecedent circumstances. There is nothing on record to show the existence of such circumstances in this case. On this sole ground, the impugned order is quashed. It is made clear that the respondent is at liberty to pass fresh orders in accordance with law.

4.This Writ petition is allowed accordingly. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To:

The Deputy Registrar of Co-operative Societies,
Musiri Circle Co-operative Societies,
Musiri,
Trichy District.

+ 1 CC TO Mr.A.THIYAGARAJAN, ADVOCATE IN SR No. 51466
+ 1 CC TO Mr.M.SUBASH BABU, ADVOCATE IN SR No. 51732
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 51956

SSS

TE/KKR/SAR-1 : 22/03/2018 : 2P/5C

ORDER MADE IN
W.P. (MD) No. 3687 of 2018 and
W.M.P(MD)No.3833 of 2018
27.02.2018