



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 31.01.2018
CORAM
THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P.(MD) No.16151 of 2015
and
M.P.(MD)No.1 and 2 of 2015

N.Vanathan
Clerk-2(Under Suspension),
R.963, Thulayanatham Primary
Agricultural Co-operative Credit bank Ltd.,
Jembunathapuram Post,
Musiri Taluk, Tiruchirapalli
District. ... Petitioner

-vs-

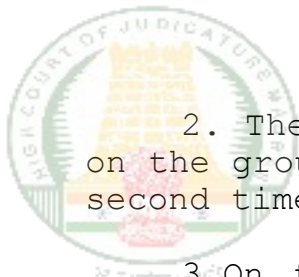
- 1.The Joint Registrar of Co-operative Societies,
Tiruchirapalli Region, Tiruchirapalli.
- 2.The Deputy Registrar of Co-operative Societies,
Musiri Region, Tiruchirapalli District.
- 3.The president,
R.963, Thulyanatham Primary,
Agricultural Co-operative Credit Bank Ltd.,
Thulayanatham Post,
Musiri Taluk, Tiruchirapalli District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned suspension order of first respondent vide Na.Ka.3612/2014 Sa.Pa, dated 12.08.2015 and quash the same as illegal and un-constitutional, consequently direct the respondents to permit the petitioner to work and continue as clerk in third respondent society.

For Petitioner	: Mr.S.Balamurugan
For R-1 and R-2	: Mr.J.Gunaseelan Muthiah, Additional Government Pleader.
For R-3	: Mr.D.Shanmugaraja Sethupathi

O R D E R

The petitioner is employed in the third respondent Society. He was suspended by the third respondent pending enquiry. The petitioner was found not guilty and the order of suspension was revoked. He was also reinstated in service. Thereafter, the first respondent suomotu took up the matter and passed the impugned order dated 12.08.2015 suspending the petitioner from service.



2. The order impugned the writ petition is liable to be quashed on the ground that a delinquent employee cannot be suspended for the second time on the same set of facts.

3. On this short ground, the order impugned is quashed. This writ petition is allowed and the respondents are directed to permit the petitioner to continue to work in the third respondent Society. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To

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

2. The Deputy Registrar of Co-operative Societies,
Musiri Region,
Tiruchirapalli District.

+1cc to Special Government Pleader, SR.No. 45541

+1cc to M/S.D.Shanmugaraja Sethupathi, Advocate SR.No. 45529

+1cc to M/S.S.Balamurugan, Advocate SR.No. 45605

W.P. (MD) No.16151 of 2015
31.01.2018

cp/Arul

JM/SKN RSK/SAR 4/23.02.2018/2P/6C