



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 6068 of 2016

and

W.M.P. (MD). Nos. 5370 and 5371 of 2016

K.Mathivanan

.. Petitioner

Vs.

1.The Joint Registrar of Cooperative Societies,
Trichirappalli Region,
Trichirappalli.

2.The Deputy Registrar of Cooperative Societies,
Musiri,
Trichy District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for records the records relating to the impugned suspension order passed by the first respondent vide R.C.No.3515/2014/OM, dated 23.05.2014 and consequential rejection order passed by the first respondent vide Na.Ka.No.3515/2014/A.Pa.A, dated 17.02.2016 and quash the same and consequently direct the first respondent to reinstate the petitioner in service.

For petitioner : Mr. M.Murali

For respondents : Mrs.S.Srimathy

Special Government Pleader

O R D E R

Heard the learned Counsel on either side.

2. The petitioner was working as a Special Officer in Thulaiyanatham Primary Agricultural Cooperative Credit Society Limited. The Secretary of the Society in connivance with other employees of the Society has indulged in misappropriation of the funds of the Society. The petitioner as Cooperative Special Officer was also the Special Officer for several such Societies. Therefore, the petitioner was charged with lack of supervision. To this effect, charge memo was issued. The same was challenged in W.P.(MD).No.18689 of 2015. An interim order of status quo was granted.

3. Today, the learned Counsel appearing for the petitioner fairly submitted that he would not press the said writ petition. The challenge to the charge memo is withdrawn. The petitioner shall face the departmental enquiry.



4. Admittedly, the petitioner is not charged with any act involving moral turpitude and the only allegation is with regard to lack of supervision. Therefore, keeping the petitioner under suspension will not serve any purpose. Therefore, the first respondent is directed to revoke the order of suspension and reinstate the petitioner in service. The issue regarding treatment of period of suspension shall of course abide by the outcome of the disciplinary proceedings. The order of reinstatement shall be issued forthwith without any delay.

5. This Writ petition is allowed accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To:

1. The Joint Registrar of Cooperative Societies,
Trichirappalli Region,
Trichirappalli.
2. The Deputy Registrar of Cooperative Societies,
Musiri,
Trichy District.

+1cc to Special Government Pleader, SR.No. 49569
+1cc to M/S.M.Murali, Advocate SR.No. 49443

ORDER MADE IN
W.P. (MD) No. 6068 of 2016
16.02.2018

KMI
JM/SV MMS/SAR 3/20.02.2018/2P/5C