

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2019

CORAM

THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.24041 of 2016
and
W.M.P.No.20552 of 2016

M.Prabakaran

...Petitioner

Versus

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

2.107, Omalur Primary Agricultural
Co-Operative Credit Society Ltd.,
Rep.by its President,
Omalur Post, Salem District.

3.C.Muthusamy

... Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, calling for the records of the order of suspension dated 3.6.2016 and consequential charge memo dated 15.6.2016 on the file of the 2nd respondent quash the same and consequently direct the respondents to reinstate the petitioner as Clerk in the society.

For Petitioner : Mr.M.S.Palaniswamy

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader (Co-op)
for R1
Mr.K.Selvaraj for R2 & R3

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O R D E R

This instant writ petition is filed for a Writ of Certiorarified Mandamus to quash the order of suspension dated 3.6.2016 and consequential charge memo dated 15.6.2016 on the file of the second respondent and consequently direct the respondents to reinstate the petitioner as Clerk in the society.

2.The learned Special Government Pleader (Co-op.) appearing for the first respondent states that the departmental proceedings would be concluded in a months time.

3. In view of the above the respondents are directed to conclude the enquiry before 15.12.2019. It is made clear that the learned counsel for the petitioner and the learned counsel for the respondents should not seek any adjournment. In case, the enquiry is not completed by 15.12.2019, the petitioner shall be reinstated into service, in view of the judgment of the Hon'ble Supreme Court in State of Tamil Nadu Vs. Promod Kumar IPS & Anr., (Civil Appeal No.8427-8428 of 2018) and Ajay Kumar Choudhary V. Union of India, (2015) 7 SCC 291.

4. In the light of the above observation, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

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Sub Assistant Registrar

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To

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

2.The President,
107, Omalur Primary Agricultural
Co-Operative Credit Society Ltd.,
Omalur Post, Salem District.

+lcc to Mr.M.S.Palaniswamy, Advocate sr.84823

+lcc to Mr.K.Selvaraj, Advocate sr.84755

W.P.No.24041 of 2016
and
W.M.P.No.20552 of 2016

sr(co)
nr 12/11/2019