

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.12.2019

Coram

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.38905 of 2016 and

WMP No.33327 of 2016

P.Paramasivam, Secretary,
G.1549, Thirukkazhukundram Milk Producers
Co-operative Society,
No.30A, Vanniyar Street,
Thirukkazhukkundram,
Kanchipuram District 603109 ... Petitioner

Vs.

1. The commissioner,
Milk and Dairy Development Department,
Madhavaram, Chennai 600 051.
2. The Deputy Registrar of Dairies,
Office of the Deputy Registrar,
No.5, Vanigar Street, Kanchipuram 631 501.
3. G.1549, Thirukkazhukkundram Milk Producers
Co-operative Society,
Represented by its President, Having office at
No.38, North Street, Rudrankoil, Thirukkazhukkundram,
Kanchipuram District 603 109.
4. R.B.Palanivel, President,
G.1549, Thirukkazhukkundram Milk Producers
Co-operative Society,
Represented by its President, Having office at
No.38, North Street, Rudrankoil, Thirukkazhukkundram,
Kanchipuram District 603 109.
5. The Enquiry Officer Cum Senior Inspector,
Office of the Deputy Registrar of Dairies,
No.5, Vanigar Street, Kanchipuram 631 501.
6. T.Anandha Sekar,
Advocate/Enquiry Officer,
No.24/22, Sivaji Street,
T.Nagar, Chennai 600 017. ... Respondents

Prayer: This Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the file in Na.Ka.No.1/2014 dated 14.11.2014 from the file of 3rd respondent and quash the same and consequently direct the 3rd

respondent to reinstate the petitioner into his service with effect from 14.11.2014 and to pay salary arrears from July 2014 to till the date of filing the writ petition with the rate of interest at 18% as per the proceedings in Na.Ka.No.1090/E/2015-2 dated 18.02.2016 passed by the 2nd respondent and as per the representation made by the petitioner dated 24.09.2016.

For Petitioner : Mr.R.Anandha Babu

For Respondents : Ms.T.Girija, Gov. Advocate
(for R1, R2 and R5)
Mr.D.Venkatachalam,
Addl.Gov.Pleader (for R3)
No appearance for R4.

O R D E R

Challenging the suspension order passed by the 3rd respondent in Na.Ka.No.1/2014 dated 14.11.2014, the petitioner has filed this writ petition.

2. At the time of admission, no interim order has been passed in the writ petition by this court and now this matter is taken up today for final disposal.

3. The learned counsel appearing for the petitioner submitted that the petitioner was appointed as Secretary in the 3rd respondent Co-operative Society and the 4th respondent, who is the President in the Society exercised his power arbitrarily and issued a charge memos dated 19.12.2013 and 23.12.2013 against the petitioner. His further contention is that following the above said charge memos, the 3rd respondent illegally and arbitrary passed a suspension order in Na.Ka.No.1/2014 dated 14.11.2014 against the petitioner and not paid the subsistence allowance. Therefore, he prayed to quash the suspension order passed by the 3rd respondent and direct the 3rd respondent to reinstate the petitioner into his service with salary arrears along with interest.

4. On the contrary, the learned counsel appearing for the 3rd respondents submitted that subsistence allowance has been paid till today to the petitioner, as per the Special By-law and that State Enquiry is pending against the petitioner and hence, the order of suspension passed against the petitioner by the 3rd respondent cannot be revoked at this stage. However, he assured that the enquiry proceedings will be completed within a period as fixed by this court.

5. The learned counsel appearing for the petitioner submitted that the petitioner undertakes to co-operate with the enquiry proceedings, if there is no other legal impediment.

6. The submissions made by both the counsels are considered.

7. Recording the submission made by the learned counsel appearing for the 3rd respondent that the enquiry proceedings pending against the petitioner will be completed as stipulated by this court, this court inclined to pass the following orders.

i) The 3rd respondent is directed to appoint an Enquiry Officer within two weeks from the date of receipt of a copy of this order and shall continue to pay subsistence allowance to the petitioner.

ii) On such appointment being made by the 3rd respondent, the Enquiry Officer shall complete the enquiry proceedings, within 6 weeks from the date of appointment and file report.

iii) On such receipt of report from the Enquiry Officer, the 3rd respondent is directed to pass appropriate order in accordance with law.

iv) If there is any delay in completing the enquiry proceedings within a stipulated period, as directed by this court, the petitioner is at liberty to make his representation to the 3rd respondent for revocation of suspension order and on such representation being made by the petitioner, the 3rd respondent shall pass appropriate order in accordance with law.

8. With the above said directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

mst

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

1. The commissioner,
Milk and Dairy Development Department,
Madhavaram, Chennai 600 051.
 2. The Deputy Registrar of Dairies,
Office of the Deputy Registrar,
No.5, Vanigar Street, Kanchipuram 631 501.
 3. The President,
G.1549, Thirukkazhukkundram Milk Producers
Co-operative Society,
Having office at
No.38, North Street, Rudrankoil, Thirukkazhukkundram,
Kanchipuram District 603 109.
- +2ccs to Mr.R.Anandha Babu , Advocate SR.No. 105000
+1cc to Mr.D.Venkatachalam , Advocate SR.No. 105902
+1 cc to Government Pleader Sr.No. 105263

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