

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.02.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.15834 of 2018
W.M.P.No.18832 of 2018

R.Panneerselvam

..Petitioner

vs

- 1.The Registrar of Co-operative Societies, No.170, E.V.R.High Road, Kilpauk, Chennai 10.
- 2.The Regional Joint Registrar of Co-operative Societies, Nagapattinam Circle, Nagapattinam.
- 3.The Deputy Registrar of Co-operative Societies, Nagapattinam Circle, Nagapattinam District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorified Mandamus, to call for the records relating to the impugned proceedings of the second respondent in Rc.No.387/2018/A1, dated 24.05.2018 and to quash the same as arbitrary, illegal and violation of principle of natural justice and consequently, to direct the respondents to reinstate the petitioner into service with all consequential benefits and attendant benefits including arrears of salary with interest.

For Petitioner :Mr.R.Seyon

For Respondents :Mr.D.Venkatachalam,
Additional Government Pleader (Co-op)

O R D E R

The order of termination issued by the 2nd respondent in proceedings dated 24.05.2018 is under challenge in the present writ petition.

2. The writ petitioner was working as a Special Officer in the cadre of Senior Inspector of Co-operative Society. On account of certain serious allegations of falsification of records, a Criminal Case in Crime No. 1 of 2007 was registered

against the writ petitioner. Admittedly, the writ petitioner was convicted in a Criminal Case. The learned counsel appearing for the writ petitioner states that the petitioner preferred Criminal Appeal No.28 of 2011 and the said appeal is pending. During the pendency of the appeal, the respondents have issued a notice Under Rule 17C(1) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and based on the conviction, terminated the service of the writ petitioner. Challenging the said order, the writ petitioner has filed the present writ petition.

3. This Court is of an opinion that there is no irregularity or infirmity in respect of the actions initiated under Rule 17C (1), of the said Rules, as the termination order was passed against the writ petitioner based on conviction. Mere pendency of the Criminal Appeal cannot be a ground for quashing the termination order. In the event of success in the criminal appeal, the writ petitioner is at liberty to approach the competent authority for revocation of the order of termination, in the manner known to law. All these facts and circumstances should be considered by the authorities only after the disposal of the criminal appeal and as of now, the order of termination stands and hold good, until the order of conviction is quashed by the Competent Court of law. In this view of the matter, no further adjudication is required in the present writ petition.

4. Accordingly, the present writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

kmm
To

1.The Registrar of Co-operative
Societies, No.170, E.V.R.High Road,
Kilpauk, Chennai 10.

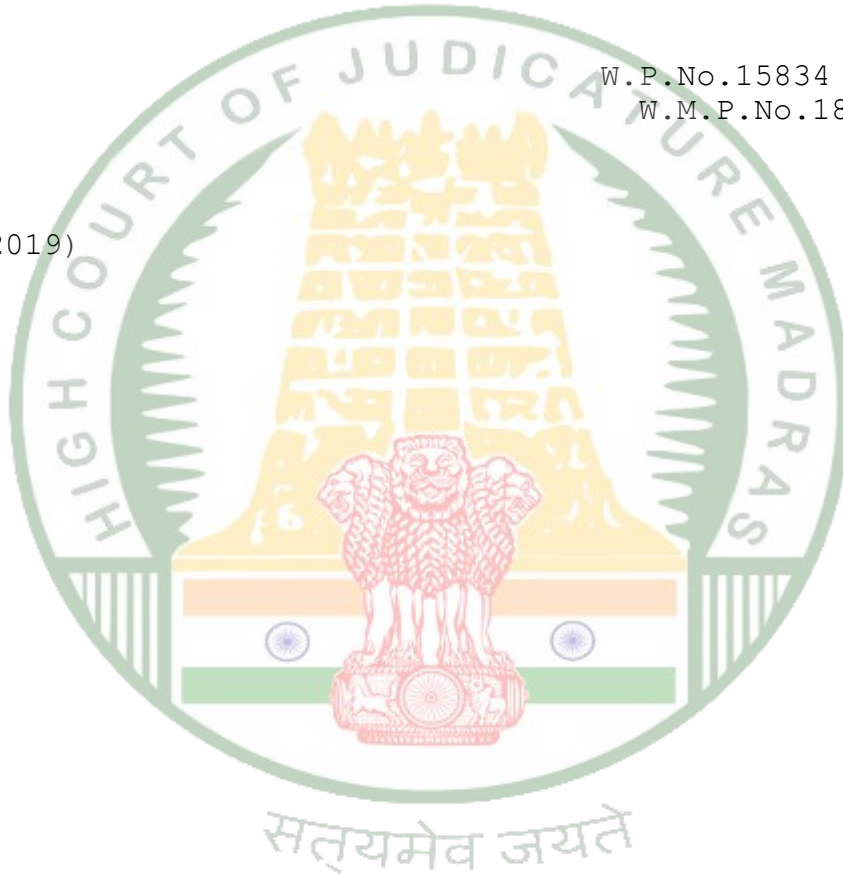
2.The Regional Joint Registrar of
Co-operative Societies,
Nagapattinam Circle, Nagapattinam.

3.The Deputy Registrar of Co-operative
Societies, Nagapattinam Circle,
Nagapattinam District.

+1 CC to Mr.R.Seyon, Advocate sr 16327.
+1 CC to The Govt. Pleader sr 17000.

W.P.No.15834 of 2018 and
W.M.P.No.18832 of 2018

GJII (CO)
SP(27/03/2019)



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