

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No.24989 of 2019

G.Kuppusamy

..Petitioner

vs

1.The Deputy Registrar of Co-operative Societies,
Tindivanam-604001, Villupuram District

2.The Special Officer,
ClSPL-148, Melpakkam Primary
Agricultural Cooperative Credit Society,
Tindivanam, Villupuram District. .. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to consider representation dated 28.06.2019 requesting for revocation of suspension ordered by the 2nd respondent in Na.Ka.No.1/2019 dated 25.02.2019 and for reinstatement in service.

For Petitioner : Mr.P.Rajendran

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader

O R D E R

The prayer sought for in this Writ Petition is to direct the 1st respondent to consider representation dated 28.06.2019 requesting for revocation of suspension ordered by the 2nd respondent in Na.Ka.No.1/2019 dated 25.02.2019 and for reinstatement in service.

2. The case of the petitioner is that he was appointed as Clerk in CL SPL-148, Melpakkam Primary Agricultural Co-

operative Credit Society, Melpakkam, Ayyanthoppu Post, Tindivanam Taluk, Villupuram District. He was promoted as Accountant on 01.07.1995. Thereafter, he was promoted as Assistant Secretary on 01.01.1997 and as Secretary on 15.10.2015.

3. Whiles, the 2nd respondent issued an order in Na.Ka.1/2018 dated 13.06.2018 placing the petitioner under suspension. In the said order it was stated that he was placed under suspension in the interest of the public and the administration and that he would be paid subsistence allowance during the period of suspension and that charge Memo would be issued to him separately. However, he was not paid Subsistence Allowance for more than 5 months and he was not issued with any charge memo. Therefore, he submitted representation on 07.11.2018 to the 1st respondent to revoke the order of suspension. However, the representation was not considered, hence he approached this Court by way of W.P.No.33672 of 2018, seeking direction to the respondents to consider and pass orders on the representation dated 07.11.2018. The interim order was granted in the said Writ Petition directing the respondents to revoke the order of suspension dated 13.06.2018 and pay the subsistence allowance payable for the period of suspension within a period of ten days from the date of receipt of a copy of the order.

4. On 24.01.2019, the 2nd respondent revoked the suspension order dated 13.06.2019 and reinstated the petitioner in service, consequently, the said Writ Petition was dismissed as infructuous by this Court on 29.03.2019.

5. Once again on 25.02.2019, the 2nd respondent issued a suspension order in Na.Ka.No.1/2019 to the petitioner and a charge memo was also issued on him on 21.03.2019. When the petitioner submitted his explanation to the charge memo the 2nd respondent refused to receive the explanation. Therefore he made a representation to the 1st respondent on 28.06.2019 requesting his intervention for revoking the suspension, but till date his representation was not considered by the 1st respondent. Hence the Writ Petition is filed.

6. The learned Special Government Pleader would produce a letter dated 04.09.2019, wherein it was stated that the 1st respondent, the Deputy Registrar of Co-operative Societies, Tindivanam-604001, Villupuram District, is not a Competent Authority to consider the representation dated

28.06.2019. It is further stated that, if the petitioner is aggrieved by the Suspension Order dated 25.02.2019, there is an alternate remedy available for the petitioner to file Revision Petition under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983, before the Joint Registrar of Co-operative Societies, Villupuram Region, Villupuram District.

7. Considering the facts and circumstances of the case, the Writ Petition is disposed of with liberty to the petitioner to file a Revision Petition before the Competent Authority to revoke the order of suspension. No costs.

Sd/-
Assistant Registrar(Cj conf)

//True Copy//

Sub Assistant Registrar

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To

1.The Deputy Registrar of Co-operative Societies,
Tindivanam-604001, Villupuram District

2.The Special Officer,
ClSPL-148, Melpakkam Primary
Agricultural Cooperative Credit Society,
Tindivanam, Villupuram District.

+1cc to Mr.L.P.Shanmugasundaram , Advocate SR.No. 78854

+1 cc to Spl Government Pleader Sr.No. 78934

W.P.No.24989 of 2019

A.SK(16/10/2019)

सत्यमेव जयते

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