

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26220 of 2019

B.Venkatesan

.. Petitioner

Vs.

1.The Deputy Registrar (Dairying)
Krishnagiri District,
Krishnagiri.

2.The Director of Milk production and
Dairy Development,
Madhavaram Milk Colony,
Chennai- 600 051.

3.The Deputy Registrar (Dairying)
Vellore District,
Vellore.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the first respondent to allow the petitioner to join the duty or direct the second respondent to issue fresh orders transferring the petitioner to some other circle and further direct the third respondent to pay the subsistence allowance due to the petitioner from 03.05.2019 till the date of revocation of suspension dated 23.07.2019 and further direct the third respondent to treat the period from 31.07.2019 till date of joining of the petitioner as a period of compulsory wait and pay consequential benefits.

For Petitioner : Mr.B.Hari Babu

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

ORDER

This writ petition is filed seeking direction, directing the first respondent to allow the petitioner to join duty and to direct the second respondent to issue fresh orders transferring the petitioner to some other circle and further direct the third

respondent to pay the subsistence allowance due to the petitioner from 03.05.2019 till the date of revocation of suspension dated 23.07.2019 and to treat the period from 31.07.2019 till date of joining of the petitioner as a period of compulsory wait and pay consequential benefits.

2.The learned counsel for the petitioner submitted that the petitioner joined service as Typist in the office of the Deputy Registrar (Dairying) Tiruvannamalai on 04.12.2000. While he was working as Cooperative Sub Registrar(Prosecution), Vellore, he was placed under suspension, the second respondent in his proceedings Proc.Rc.7696/D1/2019 dated 03.05.2019, when he was on Medical Leave.

3.He further submitted that when the petitioner was working as Co-operative Sub Registrar / Prosecution at Vellore, an enquiry, under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, was ordered by the Deputy Registrar (Dairying) Vellore in his Proc. No.2054/U/2018 dated 21.02.2019 to enquire in detail about the serious irregularities committed by the Office bearers of the Vellore-Thiruvannamalai District Co-operative Milk Producers Union, while installation of 40 R.O. Plants in Dairies and Bulk Milk Coolers. The irregularities were notice by the Auditor of the above said union for the years 2017-2018 and it was alleged that about 1.69 crores. The Auditor of that Union sent a Special Report to the Director of Co-operative Audit for suitable action. Accordingly, the petitioner commenced the enquiry. Since some higher officials, working as General Managers in Vellore, Tiruvannamalai District Cooperative Milk Producers Union, were found involved in the misappropriation, the petitioner issued summons to them.

4.Due to wreck vengeance against the petitioner, the officials joined with the second respondent, issued suspension order to the petitioner. The second respondent, in his proceedings Proc Rc.7696/D1/219 dated 23.07.2019 revoked the petitioner's suspension and the petitioner was posted to work under the control of the Deputy Registrar (Dairying) at Krishnagiri. The first respondent did not allow the petitioner to join duty in his circle and directed the petitioner to report before the second respondent. As per the direction, the petitioner approached the second respondent requesting him to allow the petitioner to join duty at the first respondent office or to transfer him to some other circle.

5.In this regard, the petitioner sent a reminder letter dated 07.08.2019 to the second respondent seeking transfer to some other circle. On 06.06.2019, the petitioner made a representation to the third respondent to sanction subsistence allowance for the period from 03.05.2019 till 23.07.2019, when

he was placed under suspension and the same was denied by the third respondent vide his letter dated 14.06.2019. The petitioner further submitted a letter to the third respondent, explaining his situation on 10.07.2019, till date no reply has been given. Since the petitioner was not allowed to join duty, after 31.07.2019, the petitioner could not join duty anywhere. Seeking fresh order of transfer to join duty, this writ petition came to be filed by him.

6.Considering facts and circumstances of this case, without expressing any opinion, I am inclined to issue direction to the respondents to consider the petitioner's representation dated 07.08.2019, if not disposed already within a period of six (6) weeks from the date of receipt of a copy of this order. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Deputy Registrar (Dairying)
Krishnagiri District,
Krishnagiri.
- 2.The Director of Milk production and
Dairy Development,
Madhavaram Milk Colony,
Chennai- 600 051.
- 3.The Deputy Registrar (Dairying)
Vellore District,
Vellore.

+1cc to Mr. B.Haribabu, Advocate, S.R.No. 77102
+1cc to the Special Government Pleader(Co.Op), S.R.No. 77699

W.P.No.26220 of 2019

KK(CO)
GN(15/10/2019)