

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 26696 of 2019
and W.M.P.No.26078 of 2019

J.Sivakumar

... Petitioner

vs

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

2.The President
CL.SPL.97 Pennagar Primary Agricultural
Co-operative Credit Society
Pennagar Village and Post - 604 210
Gingee Taluk
Villupuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying for issuance of a Writ of Mandamus
directing the respondents to permit the petitioner to join duty
as Secretary in the 2nd respondent society by taking note of the
order passed by the 2nd respondent dated 09.03.2018.

For Petitioner : Mr.C.Prakasam
For Respondents : Mr.L.P.Shanmugasundaram
Special Government
Pleader (Co-op. Society)

O R D E R

Writ Petition is filed seeking issuance of Writ of Mandamus
directing the respondents to permit the petitioner to join duty
as Secretary in the 2nd respondent society by taking note of the
order passed by the 2nd respondent dated 09.03.2018.

2.Heard the learned counsel for the petitioner as well as
the learned Special Government Pleader for the respondents.

3.The case of the petitioner is that the petitioner was appointed as a Clerk in the 2nd respondent society in the year 1996 and subsequently, he was promoted as a Secretary in the said Society. While discharging his duties, one of the members of the 2nd respondent society insisted the petitioner to disburse the loan amount to him. The petitioner refused to do so and asked him to furnish security and approach the 2nd respondent for sanctioning the loan. In view of the said dispute between the petitioner and the person, who approached the petitioner for getting loan, the said person arranged to publish the news item in Dinamani newspaper on 28.02.2018. After seeing the paper publication, the 1st respondent instructed the 2nd respondent society to suspend the petitioner orally. Accordingly, the 2nd respondent passed suspension order without verifying the news item and obeyed oral instruction given by the 1st respondent. After suspension, the petitioner was called for explanation and the petitioner has submitted his explanation. Thereafter, the suspension order was revoked by the 2nd respondent on 12.03.2018. Even after the revocation of suspension order, the petitioner was not allowed to join duty. Hence, the present writ petition.

4. The learned Special Government Pleader for the respondents submitted that there is no legal embargo for the petitioner to join duty. The petitioner may join duty without prejudice to the enquiry, which is pending under Section 81 of the Tamil Nadu Co-operative Societies Act.

5. Considering the facts and circumstances of the case, since suspension order was revoked, there is no legal embargo to prevent the petitioner from joining duty. The respondents are directed to allow the petitioner to join duty within a period of one week from the date of receipt of a copy of this order. However, liberty is granted to the respondents to proceed with the enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, in the manner known to law.

6.The writ petition stands disposed of on the above terms. No order as to costs. Consequently, connected Miscellaneous Petition is closed.

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sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kj

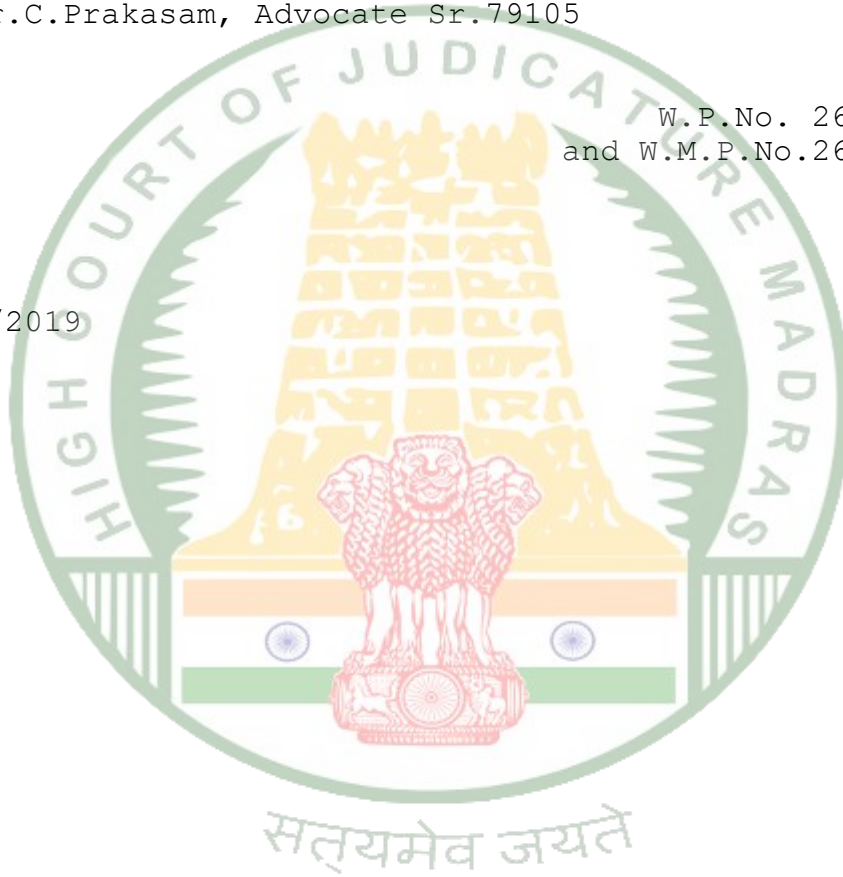
To

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

+lcc to the Government Pleader Sr.79666
+lcc to Mr.L.P.Shanmugasundaran, Advocate Sr.79219
+lcc to Mr.C.Prakasam, Advocate Sr.79105

W.P.No. 26696 of 2019
and W.M.P.No.26078 of 2019

sj[col]
srg 21/10/2019



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