



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P(MD).No. 14345 of 2019
and W.M.P.(MD) No. 10768 of 2019

R.M. Velu : Petitioner

Vs.

1. The Regional Joint Registrar of Co-operative Societies,
Sivagangai Region, Sivagangai.

2. The Circle Deputy Registrar of Co-operative Societies,
Karaikudi Circle, Karaikudi.

3. The President,
N.N. 569, Nattuseri Kalathur Primary Agriculture
Co-operative Credit Society,
Peerkalaikadu Post, Karaikudi Taluk,
Sivagangai District.

: Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India for issuing a Writ of Certiorari to call for the records pertaining to the impugned suspension order dated, 18.02.2019 passed by the third respondent and quash the same.

For Petitioner
For Respondents

: Mr.D. Sadiq Raja
: Mr.A. Muthukaruppan,
Additional Government Pleader

ORDER

This Writ Petition has been filed to call for the records pertaining to the impugned suspension order dated, 18.02.2019 passed by the third respondent and quash the same.

2. According to the petitioner, he was appointed as Salesmain in Fair Price shop of the third respondent's society on 09.09.1986 and subsequently, he was promoted for the post of Secretary in-charge on 01.06.2016. Since from the date of his appointment he was discharging his duty, the petitioner was issued the impugned order passed by the third respondent, on 18.02.2019 thereby suspended petitioner from service on the ground of paper
<https://hcservices.hcma.gov.in/hcservices>
pertaining to the irregularities in disbursement of Crop Insurance.



3. According to the petitioner, the said impugned order suffers from violation of principles of natural justice besides arbitrariness and vagueness and non application of mind. Challenging the aforesaid impugned order the instant writ petition is filed by the petitioner to quash the suspension order, dated 18.02.2019 passed by the third respondent.

4. The learned Additional Government Pleader appearing for the respondents has submitted that the writ petition is not maintainable in the light of the Judgment in **2006(4) CTC 689, K.Marappan Vs. The Deputy Registrar of Co-operative Societies, Namakkal Circle, Namakkal - 636 001 and another.** He further submitted that the said suspension order was passed on 18.02.2019 but the petitioner has challenged the said order only after six months, where as the communication, dated 23.04.2019, the petitioner was directed to appear for the enquiry. But, the petitioner has not appeared for enquiry instead of filing the instant writ petition.

5. In the light of the above facts and also in the interest of Justice, this Court is inclined to pass the following order;

1. The petitioner challenges the impugned suspension order before this Court without exhausting alternative remedy under the provisions of the Tamilnadu Co-operative Societies Act, 1983 and its Rules 1988.
2. The said suspension order passed by the third respondent is not a punishment, ultimately, if the charge framed against the petitioner is dropped or exhausted. The petitioner can approach the concerned authority for appropriate remedy.
3. This Court directs the petitioner to approach the concerned authority for getting proper relief for granting subsistence allowance as per the Rules.

7. With the above observations, this Writ Petition is disposed of. No costs. Consequently, connected petition is closed.

Sd/-

Assistant Registrar (AD-II)

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Sub Assistant Registrar (CS)



To

1. The Regional Joint Registrar of Co-operative Societies,
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Sivagangai District.

+1 CC to M/s.SPL GP (SR-71784[F] dated 27/06/2019)

+1 CC to M/s.D.SADIQ RAJA, Advocate(SR-71640[F] dated
26/06/2019)

KSA

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