



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.03.2019

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THE HONOURABLE MR. JUSTICE R. MAHADEVAN

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W.P(MD) No.5245 of 2019

P.Parthasarathy

... Petitioner

vs.

1.The Joint Registrar of Cooperative Societies,
O/o.the Joint Registrar of Cooperative Societies,
Theni, Theni District.

2.The Deputy Registrar of Cooperative Societies,
O/o.the Deputy Registrar of Cooperative Societies,
Periyakulam,
Theni District.

3.The Administrator,
M.P.92, Varusanadu Primary Agricultural
Cooperative Credit Society,
Varudanadu,
Aundipatti Taluk,
Theni District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the third respondent to revoke the suspension of the petitioner and reinstate the petitioner in the post of Assistant Secretary by considering the representation of the petitioner dated 26/11/2018 in the light of the Judgment of the Supreme Court in Ajay Kumar Choudhary Vs Union of India reported in (2015) 7 SCC 291.

For Petitioner : Mr.T.Lajapathi Roy

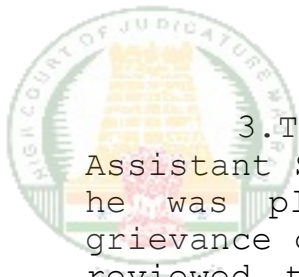
For Respondents : Mr.C.M.Mari Chelliah Prabhu

Additional Government Pleader

O R D E R

This writ petition has been filed seeking a direction to the third respondent to revoke the suspension of the petitioner and reinstate him in the post of Assistant Secretary by considering the representation of the petitioner dated 26.11.2018.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.



3.The case of the petitioner is that he was serving as an Assistant Secretary in the office of the third respondent. While so, he was placed under suspension on administrative reasons. The grievance of the petitioner is that the third respondent has neither reviewed the order of suspension nor revoked the same. Further, though the petitioner is entitled to subsistence allowance during the suspension period in accordance with the provisions of the Tamil Nadu Payment of Subsistence Allowance Act, 1981, he was not paid with the same. Hence, seeking such relief, he made a representation dated 26.11.2018 to the third respondent and the same is pending without taking any action. Therefore, the petitioner is before this Court.

4.The learned Additional Government Pleader appearing for the respondents submitted that if a reasonable time is granted to the respondents, the representation of the petitioner will be considered and appropriate orders will be passed.

5.In such view of the matter, this Court, without going into the merits of the matter, directs the third respondent to consider the petitioner's representation dated 26.11.2018 on all aspects and pass appropriate orders on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner.

6.The writ petition is disposed of with the above direction.
No costs.

Sd/
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

mj

To

1.The Joint Registrar of Cooperative Societies,
O/o.the Joint Registrar of Cooperative Societies,
Theni, Theni District.

2.The Deputy Registrar of Cooperative Societies,
O/o.the Deputy Registrar of Cooperative Societies,
Periyakulam, Theni District.

3.The Administrator,
M.P.92, Varusanadu Primary Agricultural
Cooperative Credit Society,
Varudanadu, Aundipatti Taluk, Theni District.

1CC TO MR.T.LAJAPATHI ROY, ADVOCATE SR 53913

1CC TO THE SPL GOVT PLEADER SR 53551