



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.12.2019

CORAM :

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD)No.8760 of 2014

and

M.P. (MD) .No.1 of 2014 and

W.M.P. (MD) .No.3235 of 2017

P.Subramani

... Petitioner

Vs.

1.The State of Tamil Nadu,
rep. by its Secretary to Government,
Food & Consumer Co-operative Department,
Secretariate, Chennai -9.

2.The Registrar of Co-Operative Societies,
170, E.V.R. High Road,
Kelpauk,
Chennai.

3.The Joint Registrar of Co-operative Societies,
Collectorate,
Thanthonimalai,
Karur District.

4.The President,
R-240, K.N.Pudur Primary Agricultural
Co-operative Credit Society,
N.Pudur, Nanniyoor Post,
Karur District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to forbear the respondents from proceeding with the disciplinary proceedings initiated in pursuance of the charge memo dated 11.05.2013 issued against the petitioner till the conclusion of the criminal case pending in C.C.No.1 of 2013 on the file of the Judicial Magistrate Court No.I, Kulithalai, Karur District.

For Petitioner	: Mr.C.Venkatesh Kumar
For respondents 1 to 3	: Mr.S.Dhayalan, Government Advocate
For 4 th respondent	: No appearance



ORDER

This writ petition has been filed by the petitioner to forbear the respondents from proceeding with the disciplinary proceedings initiated in pursuance of the charge memo dated 11.05.2013 issued against the petitioner till the conclusion of the criminal case pending in C.C.No.1 of 2013 on the file of the Judicial Magistrate Court-I, Kulithalai, Karur District.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 to 3.

3. According to the petitioner, while he was working as Secretary in the 4th respondent Society, he was issued with charge memos alleging misappropriation and for the very same allegation, his name was included in the 2nd charge sheet filed before the Judicial Magistrate Court No.I, Kulithalai, Karur District in C.C.No.1 of 2013. The grievance of the petitioner is that as the criminal case as well as the disciplinary proceedings are based on the same set of facts, if the disciplinary proceedings is continued, that would cause prejudice to the criminal case pending before the Magistrate Court.

4. By bringing to the notice of this Court the order passed by this Court in a writ petition filed by the very same writ petitioner in W.P.(MD).No.7329 of 2015, the learned Government Advocate appearing for the respondents submitted that on account of non-cooperation of the petitioner in proceeding the disciplinary proceedings, the respondents reduced the subsistence allowance given to the petitioner from 100% to 50% as per Section 3 of the Tamil Nadu Payment of Subsistence Allowance Act, 1981 and the same was challenged by the petitioner in the said writ petition and this Court, by order dated 17.09.2019, has dismissed the said writ petition holding that the petitioner is in the habit delaying the proceedings for extraneous reasons.

5. Now almost four and half years have gone from the date of the writ petition. But, it is still stated that the disciplinary proceedings and criminal proceedings are pending and they are under progress. From the order passed in W.P.(MD).No.7329 of 2015, it is clear that the petitioner was managed to delay the disciplinary proceedings. If really the petitioner was in the interest of completion of the criminal proceedings, he could have cooperated with the criminal Court and seen that the criminal proceedings are completed by this time. But, he has not done so.

6. In view of the above and considering the conduct of the petitioner, this Court is not inclined to grant the relief sought



for by the petitioner. Hence, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

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// True Copy //

Sub Assistant Registrar(CS)

gcg

To

- 1.The Secretary to Government of Tamil Nadu,
Food & Consumer Co-operative Department,
Secretariate,
Chennai -9.
- 2.The Registrar of Co-Operative Societies,
170, E.V.R. High Road,
Kelpauk,
Chennai.
- 3.The Joint Registrar of Co-operative Societies,
Collectorate,
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- 4.The President,
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N.Pudur, Nanniyoor Post,
Karur District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-103506[F] dated 05/12/2019)

+1 CC to SPL GP (SR-103593[F] dated 05/12/2019)

W.P (MD)No.8760 of 2014
04.12.2019

MK (19.12.2019) 3P 7C