

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2020

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THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

WP.No.512 of 2020
and
WMP.No.604 of 2020

M.Panneerselvam

..Petitioner

- Vs -

1. The Chairman Common Cadre Committee/
Joint Registrar of Co-Operative Societies,
Salem Region,
Salem.
 2. 209, O.Nadupatty Primary Agricultural
Co-Operative Credit Society Ltd.,
Rep. by its President,
Nadupatty, Omalur Taluk,
Salem District.
 3. P.Marappan
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents 1 & 2 to reinstate the petitioner in service as Secretary of the 2nd respondent Society with arrears of salary from December 2018 to 31.12.2019.

For Petitioner : Mr.M.S.Palani Swamy

For Respondents : Mr.L.P.Shanmugasundaram,
Special Government Pleader,
Mr.S.Kama devan, for RR2 & 3

O R D E R

The present writ petition has been filed for the issue of writ of Mandamus directing the first and second respondents to reinstate the petitioner into service as the Secretary of the Second respondent-Society.

2. The petitioner had challenged the jurisdiction of the third respondent in placing the petitioner under suspension on the ground that the petitioner falls under the Common Cadre and therefore, the second and third respondents do not have jurisdiction to place the petitioner under suspension or proceed further with the disciplinary proceedings. The further claim made by the petitioner is that he has not been paid the salary from December 2018 onwards and therefore, he had also sought for a direction to the second and third respondents to pay the arrears of the salary.

3. When this writ petition was in the process of being heard finally, there was a subsequent development that took place, wherein the first respondent, by his proceedings dated 11.02.2020, has ordered the petitioner to be kept under suspension till the completion of the disciplinary proceedings against him. Admittedly, the first respondent is the Common Cadre Authority, who has jurisdiction to pass such order. In view of this subsequent development, this Court need not go into other issues that has been raised in this writ petition, touching upon the jurisdiction of the second and third respondents. Even in the suspension order passed by the first respondent, it has been specifically stated that the petitioner is entitled to draw subsistence allowance as per the Common Cadre Service Rules, 2019 subject to the production of non-employment certificate.

4. In view of the above, this writ petition is disposed of by giving liberty to the petitioner to work out his remedy, if he is aggrieved by the proceedings of the first respondent dated 11.02.2020, if so advised. In the meantime, the petitioner shall produce the non-employment certificate to the second respondent-Society and the second respondent-Society shall settle the entire subsistence allowance arrears to the petitioner, within a period of four (4) weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

kmi

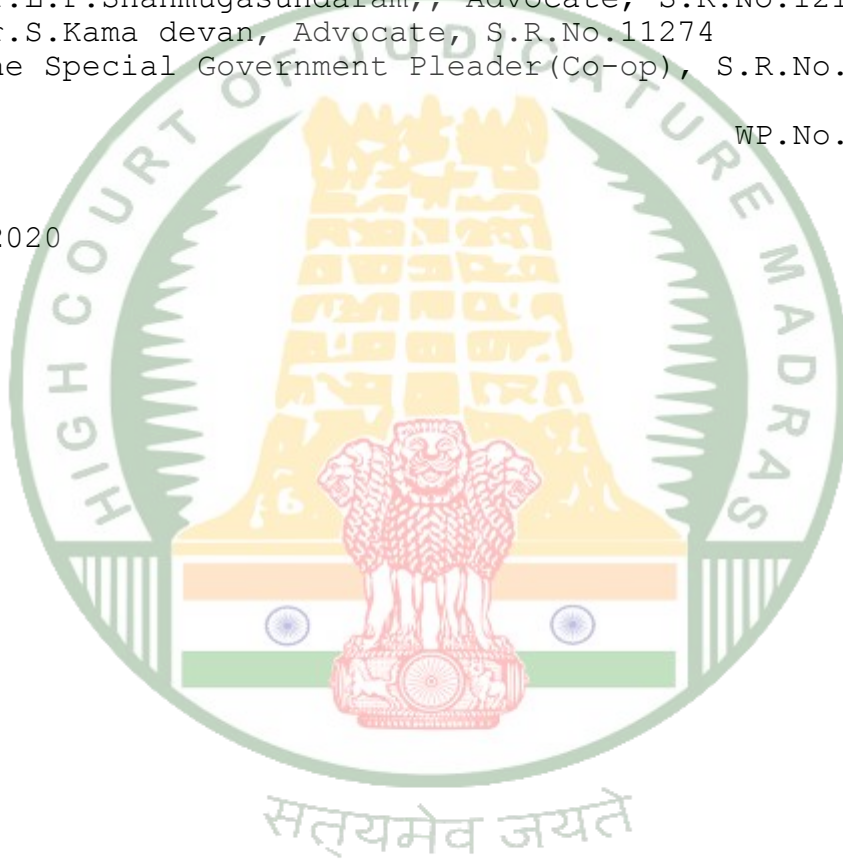
To

1. The Chairman Common Cadre Committee/
Joint Registrar of Co-Operative Societies,
Salem Region, Salem.
2. The President,
209, O.Nadupatty Primary Agricultural
Co-Operative Credit Society Ltd.,
Nadupatty, Omalur Taluk, Salem District.

+1cc to Mr.M.S.Palani Swamy, Advocate, S.R.No.11863
+1cc to Mr.L.P.Shanmugasundaram,, Advocate, S.R.No.12191
+1cc to Mr.S.Kama devan, Advocate, S.R.No.11274
+1cc to the Special Government Pleader(Co-op), S.R.No.11780

WP.No.512 of 2020

PVS (CO)
CS/17/02/2020



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