

W.MP.No.3208 of 2020

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in
WP.No.26856 of 2019

M.DHANDAPANI. J,

On an earlier occasion, the petitioner filed a writ petition In WP.No.26856/2019 under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the 2nd respondent from continuing the disciplinary proceedings against the petitioner after issuance of G.O.Ms.No.14, Co-operation, Food and Consumer Protection Department, Dated 12.02.2019, and Common Cadre Service Rules, 2019 and the said Writ Petition was allowed on 16.09.2019 and the impugned order was set aside, giving liberty to the Joint Registrar of Cooperative Societies to pass appropriate orders if so advised.

2.The present petition has been filed seeking modification of the above cited order dated 16.09.2019, so as to enable the second respondent herein/Joint Registrar of Cooperative Societies, Salem Region, Salem to continue and conclude the disciplinary proceedings initiated against the first respondent/writ petitioner in terms of the Common Cadre Service Regulations, 2019.

3.The learned counsel for the petitioner has drawn the

attention of this Court to para 4 of the above cited order and prayed for grant of some time for the respondents to pass orders.

4.Per contra, the learned counsel appearing for the writ petitioner submits unless the competent authority namely the Joint Registrar initiates the disciplinary enquiry and proceeds with the same, the previous disciplinary proceedings having been set aside, cannot be continued. Therefore, it is submitted that the Court may pass appropriate insofar as proceeding against the petitioner is concerned.

5.The learned Special Government Pleader appearing for the first respondent submits that in view of the liberty granted by this Court in the earlier order dated 16.09.2019, action has been taken to withdraw the earlier order of dismissal and steps have been taken for continuance of the proceeding, against the petitioner in terms of the Common Cadre Regulations and therefore, prays that this Court may grant time for completion of the proceedings

6.Taking into consideration the earlier order passed by this Court wherein liberty has been granted to the Joint Registrar to pass appropriate orders in accordance with law and also the

submissions advanced by the learned counsel for the parties and considering the present facts and circumstances of the case, without expressing any opinion, I am inclined to issue a direction to the Joint Registrar to proceed with the enquiry against the petitioner and complete the same within a period of three weeks from the date of receipt of copy of this order in accordance with law, after giving opportunity to the writ petitioner.

7.This miscellaneous petition ordered in the above terms.

No costs.

07.02.2020

jrs



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