



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.09.2020**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.6955 of 2020

and

W.M.P.(MD) Nos.6379, 6381 and 6382 of 2020

(Through Video conferencing)

V.Karunanidhi

...Petitioner

-Vs-

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

2.The Assistant Registrar of Co-operative Societies,
Paramakudi, Ramanathapuram District.

3.The Secretary,
Q-1266 Pottagavayal Primary Agricultural
Co-operative Credit Society,
Pottagavayal, Paramakudi,
Ramanathapuram District.

4.The President,
Q-1266 Pottagavayal Primary Agricultural
Co-operative Credit Society,
Pottagavayal, Paramakudi,
Ramanathapuram District.

5.Dhanabalan, President,
Q-1266 Pottagavayal Primary Agricultural
Co-operative Credit Society,
Pottagavayal, Paramakudi,
Ramanathapuram District.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Certiorari, calling for the records pertaining to the impugned order of suspension issued by the 4th respondent in his proceedings in No.1/2020 dated 06.01.2020 and quash the same, as illegal.



For Petitioner : Mr.J.Lawrance
For Respondents : Mr.J.Padmavathi Devi, Spl.G.P.
for RR1 to 4
Mr.S.Kumar for R5

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ORDER

The Prayer sought for in this writ petition is for a writ of Certiorari, calling for the records pertaining to the impugned order of suspension issued by the 4th respondent in his proceedings in No.1/2020 dated 06.01.2020 and quash the same.

2.The petitioner has been working as an employee at the 4th and 5th respondent society, against whom, disciplinary proceedings seems to have been contemplated. Pending the said contemplation of such disciplinary proceedings, the petitioner has been placed under suspension by the impugned order of the 4th respondent dated 06.01.2020. Though the petitioner has been placed under suspension, from that date, according to the petitioner, no progress has been shown in the disciplinary proceedings. Therefore, because of the prolonged suspension, where, the petitioner has been placed without even paying any subsistence allowance, challenging the said suspension order dated 06.01.2020, he has filed the present writ petition with the aforesaid prayer.

3.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 4 and the learned counsel appearing for the 5th respondent.

4.The learned counsel appearing for the 5th respondent would submit that, pursuant to the impugned order of suspension passed, he has been kept under suspension, disciplinary proceedings has been initiated by preparing charge memo dated 30.04.2020 and the same also has been served on the petitioner on 09.06.2020, where, the petitioner was permitted to give his explanation, so far, the petitioner has not chosen to give explanation.

5.He would further submit that, once an explanation is given by the petitioner shortly, after considering the same, the respondents would decide to conduct the disciplinary proceedings. If the disciplinary proceedings is continued and enquiry is conducted, the same would be completed with the cooperation of the petitioner and thereafter, the final order would be passed. Till such time, since the petitioner in the interest of justice has been placed under suspension, the said suspension order, which is impugned herein need not be interfered with by this Court.



6.The learned Special Government Pleader also reiterated the said aspect.

7.However, the learned counsel appearing for the petitioner would submit that, so far, the petitioner has not been paid even the subsistence allowance, therefore, the petitioner is struggling everyday to meet both ends. Therefore, without paying the subsistence allowance, since the petitioner has been put in prolonged suspension, even pending disciplinary proceedings, suspension order made against the petitioner can be revoked and he can be reinstated.

8.I have considered the submissions made by the learned counsel for both parties and perused the materials produced before this Court.

9.Admittedly, the petitioner has been placed under suspension from 06.01.2020 and in the meanwhile, on 30.04.2020, charge memo has been prepared and the same has been served on the petitioner on 09.06.2020. However, so far, the petitioner has not chosen to give his reply. However, the disciplinary proceedings is initiated by framing a definite charge against the petitioner and the same is also served on the petitioner, it is for the petitioner to respond immediately. Unless and until the petitioner makes response, the respondents may not be in a position to proceed further as to whether the proceedings initiated has to be dropped or to be continued by conducting enquiry.

10.In such view of the matter, taking into account the factual matrix of this case, this Court is inclined to dispose of this writ petition with the following order:

"The petitioner shall give his reply to the charge memo dated 30.04.2020 served on him on 09.06.2020 within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the respondent/disciplinary authority shall decide as to whether the disciplinary proceedings to be continued, if so, enquiry officer to be appointed and enquiry should be completed and at any rate, within the outer time limit of three months period, the enquiry should be completed and the final order on the disciplinary proceedings shall be passed. Depending upon the outcome of the disciplinary proceedings, further course of action as to whether the suspension order, which is impugned herein, has to be revoked or not can also be decided. Since time frame has been fixed, the petitioner shall give fullest cooperation to complete the disciplinary proceedings within the time frame.

It is made clear that the respondent shall

<https://hcservices.ecourts.gov.in/> and pay the subsistence allowance payable to



the petitioner immediately, if the same is not paid till date. It is also made clear that till the suspension is revoked, the petitioner shall be entitled to get subsistence allowance. Therefore, the same shall be continued to pay every month without fail ."

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11. With this direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Arul

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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

2. The Assistant Registrar of Co-operative Societies,
Paramakudi, Ramanathapuram District.

+1 CC to M/s.J. LAWRENCE, Advocate (SR-16191[F] dated 08/09/2020)

+1 CC to SGP (SR-16258[F] dated 08/09/2020)

Order made in
W.P. (MD)No.6955 of 2020

07.09.2020

NR (29/10/2020) 4P : 5C