



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2020

CORAM:

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**THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY**

W.P. (MD)No.16912 of 2020

and

W.M.P(MD) Nos.14139 and 14141 of 2020

Manickam

Vs.

... Petitioner

1.The Deputy Registrar of Cooperative Societies,  
Office of the Cooperative Societies Limited,  
Kamatchiamman Kovil Street,  
Aranthangi Taluk-614 616,  
Pudukkottai District.

2.The President,  
T 1510, Ulagalanthanvayal Primary Agricultural  
Cooperative Credit Society,  
Puduvakottai Village & Post,  
Aranthangi Taluk-614 616,  
Pudukkottai District.

... Respondents

PRAYER : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned suspension order dated 28.08.2019 issued by the second respondent and quash the same and consequently direct the respondents to reinstate the petitioner with all attendant benefits.

For Petitioner : Mr.S.Karthikeyan

For R-1 : Mr.B.Bhagavathy  
Government Advocate

For R-2 : Mr.P.Mahendran  
Additional Government Pleader



O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

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2.This writ petition has been filed to quash the impugned suspension order dated 28.08.2019 issued by the second respondent and consequently to direct the respondents to reinstate the petitioner with all attendant benefits.

3.It is the case of the petitioner that he was working as Senior Clerk in T 1510 Ulagalanthanvayal Primary Agricultural Cooperative Society. During the course of his employment, he has taken a medical leave from 19.06.2018 to 30.09.2018 and joined in duty on 01.10.2018. Thereafter, the second respondent issued a suspension order to the petitioner on 28.08.2019 mentioning the reason as "for administrative reasons" and the order has been served on 05.09.2019. Though the suspension order was issued on 05.09.2019, for the past one year, no charge memo has been issued. In support of his contention, he refers to the judgment of our Hon'ble Apex Court in the case of **AJAY KUMAR CHOUDHARY Vs., UNION OF INDIA THROUGH ITS SECRET ANR.**, reported in (2015) 2 SCC 291, wherein it has been categorically held that the suspension order should not normally extend beyond three months, if within this period the memorandum of charges/charge sheet has not been served on the delinquent officer/employee. However, in the present case, neither charge memo nor charge sheet has been filed within three months as indicated in the aforesaid decision and they have not provided any subsistence allowance. Therefore, continuance of the suspension order without issuing any charge memo and without providing subsistence allowance is totally illegal. In this regard, the petitioner has already given the representations dated 29.10.2020 and 06.11.2020 to the respondents. However, till date, no action has been taken in the said representations. If the said representations are directed to be disposed of within stipulated time, the ends of justice could be secured.

4.The learned Government Advocate appearing for the first respondent and the learned Additional Government Pleader appearing for the second respondent would fairly submit that the representations of the petitioner will be disposed of on merits and in accordance with law.

5.In view of the submissions made by the learned counsel appearing on either side, this Court directs the respondents to dispose of the petitioner's representations dated 29.10.2020 and 06.11.2020 within a period of six weeks from the date of receipt of a copy of this order on merits and in accordance with law.



6. With the above directions, this Writ Petition is disposed of.  
No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

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// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cp

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 Deputy Registrar of Cooperative Societies,  
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2. The President,  
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Puduvakottai Village & Post,  
Aranthangi Taluk-614 616,  
Pudukkottai District.

+1 CC to M/s.S.KARTHIKEYAN, Advocate ( SR-22866[F] dated  
26/11/2020 )

W.P.[MD]No.16912 of 2020

26.11.2020

PK(CO)

NR (16/12/2020) 3P : 4C