

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2021

Coram

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

W.A.No.647 of 2021 & W.P.No.8332 of 2021
and MP.Nos.3027 & 8891 of 2021

W.A.No.647 of 2021
and MP.No.3027 of 2021

- 1.The Joint Registrar of Co-operative Societies/
Common Cadre Authority
Krishnagiri Region
- 2.The Deputy Registrar of the Co-operative Societies,
Krishnagiri Circle,
Krishnagiri
- 3.K.K.96, Mottur Primary Agricultural
Co-operative Credit Society Ltd.,
Rep by its President,
Mottur, Kaveripattinam
Krishnagiri District

...Appellants

vs.

S.M.Syednazeer

...Respondent

Prayer: Writ appeal is filed under clause 15 of the Letter Patent praying to set aside the order passed in W.P.No.34590 of 2019 dated 23.01.2020.

W.P.No.34590 of 2019:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the retrospective order of suspension passed by the 3rd respondent published in Daily Thanthi, Salem Edition dated 28.05.2019 Dharmapuri Co-op 3 / 2019-20, quash the same and direct the respondents to reinstate the petitioner forthwith and pay salary from September 2018 to till date.

For Appellants : Mr. R. Balaramesh

For Respondent : Mr.M.S.Palanisamy

W.P.No.8332 of 2021
and MP.No.8891 of 2021:
S.M.Syed Nazeer

...Petitioner

vs.

- 1.The Joint Registrar of Co-operative Societies/
Chairman, Common Cadre Authority
Krishnagiri Region,
Krishnagiri.
- 2.The Deputy Registrar of the Co-operative Societies,
Krishnagiri Circle,
Krishnagiri
- 3.K.K.96, Mottur Primary Agricultural
Co-operative Credit Society Ltd.,
Rep by its President,
Mottur, Kaveripattinam
Krishnagiri District
4. S.Nirmalraj

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents from continuing the disciplinary proceedings against the petitioner pursuant to the charge memo issued by the 1st respondent in Na.Ka.559/2020/po.pa.ni.thi dated 21.09.2020 until disposal of W.A.No.647 of 2021.

For Petitioner : Mr. M.S.Palanisamy

For Respondents: Mr.K.Tippusulthan
Government Advocate for R1 & R2

Mr.R.Balaramesh for R3

COMMON JUDGMENT

(Judgement of the Court was made by S.VAIDYANATHAN, J.)

The present appeal has been preferred against the order dated 23.01.2020 in W.P.No.34590 of 2019 and writ petition has been filed for issuance of a Writ of Mandamus forbearing the respondents from continuing the disciplinary proceedings against the petitioner pursuant to the charge memo issued by the 1st respondent in Na.Ka.559/2020/po.pa.ni.thi dated 21.09.2020 until disposal of W.A.No.647 of 2021.

2. When the matter is taken up for hearing, Mr.Bala Ramesh, learned counsel for the appellants produced an order dated 25.03.2021 stating that the order of suspension has been revoked and the respondent/writ petitioner has been reinstated in service and monetary benefits have been extended. However Joint Registrar of Co-operative Societies has already initiated

disciplinary action as referred to at Paragraph No.16 of the order.

3. In view of the above submission, we are of the view that no further order is required to be passed in this writ appeal. Accordingly writ appeal is closed.

4. Insofar as the Writ Petition in W.P.No.8332 of 2021 is concerned, since the departmental action has already been initiated and the writ appeal has also been closed no relief could be granted in the writ petition as prayed for by the writ petitioner. Accordingly writ petition is dismissed. The department is directed to proceed with the departmental enquiry on daily basis without adjourning the matter beyond seven working days at any point of time and bring the issue to a logical conclusion as expeditiously as possible but not later than six months from today and the writ petitioner is expected to co-operate for the enquiry. No costs. Consequently connected miscellaneous petitions are also closed.

s/d-
Assistant Registrar(CS IV)

True Copy

Sub-Assistant Registrar

dpq

To

1.The Joint Registrar of Co-operative Societies/
Common Cadre Authority
Krishnagiri Region

2.The Deputy Registrar of the Co-operative Societies,
Krishnagiri Circle,
Krishnagiri

+1 CC to The Government Pleader sr 50884

+1 CC to Mr.R.Balaramesh, Advocate sr 50360.

+1 CC to Mr.M.S.Palanisamy, Advocate sr 50584.

W.A.No.647 of 2021 & W.P.No.8332 of 2021
and MP.Nos.3027 & 8891 of 2021

RLD(CO)
SP(20/10/2021)