



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.6445 of 2021

and

W.M.P.Nos.7027 & 7029 of 2021

(Heard through VC)

R.Shakul Ameer

.. Petitioner

-vs-

1. The Deputy Registrar of Cooperative Societies,
Villupuram Circle, Villupuram,
Villupuram District.

2. The President,
CL.SPL.165, Katrambakkam Primary
Agricultural Cooperative Credit Society,
Katrambakkam - 605 109,
Vanur Taluk,
Villupuram District.

.. Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Certiorari calling for the entire records relating to the impugned order passed by the 2nd respondent in his proceedings No.Nil, dated Nil, suspension effected from 15.02.2019 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader

O R D E R

The petitioner has come forward with this writ petition challenging the order passed by the 2nd respondent in his proceedings No.Nil, dated Nil, by which, the petitioner was suspended from service with effect from 15.02.2019.

2. Mr.L.P.Shanmugasundaram, learned Special Government Pleader takes notice on behalf of the respondents.



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

4. Admittedly, in this case, the petitioner was issued with a charge memo dated 26.11.2018 and an Enquiry Officer was appointed and the enquiry proceedings have been completed vide communication dated 06.02.2020. The petitioner was asked to submit an explanation on the enquiry report submitted by the Enquiry Officer and according to the petitioner, he appeared on 19.02.2020 and submitted his explanation and a decision is yet to be taken. It is submitted that he was on leave from January, 2018 and from March, 2018 to July 2018, certain incidents had taken place with regard to misappropriation of funds and false charges have been foisted on him and placed the petitioner under suspension after the conclusion of the enquiry.

5. It is nowhere stated as to when a person should be suspended and it is left to the discretion of the employer to effect suspension either before the charge sheet or after the charge sheet. In the present case on hand, as the enquiry has been completed and enquiry report has also been submitted, for which, a detailed explanation has been given. Since it is stated that the petitioner has already appeared in person, the Disciplinary Authority is directed to take a decision on the issue within a period of one month from the date of receipt of a copy of this order.

6. It is needless to state that it is for the respondents to review the suspension order after the waiting period of six months and place the employee in a non sensitive post in view of the decision of the Apex Court in Ajay Kumar Choudhary vs. Union of India through its Secretary and another, reported in 2015 (7) SCC 291, and State of TN vs. Promod Kumar IPS and another, reported in AIR 2018 SC 4060.

7. In the result, this Court is not inclined to grant the relief sought for by the petitioner for the present. Accordingly, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-VII)

//True copy//

Sub Assistant Registrar

rsi



To

1. The Deputy Registrar of Cooperative Societies,
Villupuram Circle, Villupuram,
Villupuram District.

2. The President,
CL.SPL.165, Katrambakkam Primary
Agricultural Cooperative Credit Society,
Katrambakkam - 605 109,
Vanur Taluk,
Villupuram District.

+1cc to Mr.C.Prakasam, Advocate SR.No.16892

+1cc to the Government Pleader SR.No.16698

W.P.No.6445 of 2021
and

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SKY (CO)
RLP (26/07/2021)