

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.7675 of 2021
and WMP.No.8206 of 2021

V.Iyyanarappan

...Petitioner

-vs-

- 1.The Registrar,
The Registrar of Co-operative Societies,
Puducherry.
- 2.The Administrator,
The Puducherry State Co-opertive Bank,
Puducherry.
- 3.The Managing Director,
The Puducherry State Co-operative Bank Ltd.,
Head Office, Puducherry.
- 4.The Branch Manager,
The Puducherry State Co-operative Bank Ltd.,
Muthialpet Branch, Muthialpet,
Puducherry 605 003.
- 5.Mr.P.Karunakaran,
The Managing Director,
The Puducherry State Co-operative Bank Ltd.,
Head Office, Puducherry.

... Respondents

Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorari to call for the records relating to impugned order of suspension vide PSCB/HO/2458/2020-21/B dated 16.12.2020 issued by the 3rd respondent and quash the same and pass orders.

For Petitioner : Mr.E.Anbarasan
For Respondents : Mr.Stalin Abhimanyu

ORDER

This writ petition has been filed to call for the records relating to impugned order of suspension vide PSCB/HO/2458/2020-21/B dated 16.12.2020 issued by the 3rd respondent and quash the same.

2. By consent, this writ petition is taken up for hearing at the admission stage. Mr.Stalin Abimanyu, learned Government Advocate takes notice for respondent.

3. The petitioner has come forward challenging the suspension order dated 16.12.2020 on the ground that the other person has been placed under suspension along with him. According to the petitioner, since the suspension of another person has been revoked and his case needs to be considered and he should be reinstated in service, more so, there is no power with the Assistant cum Cashier Grade II to suspend the petitioner.

4. The order of suspension is not a punishment and the relationship between the employer and the employee subsists even during the period of suspension. When there is master and servant relationship, the suspension can be effected by the employer and it cannot be questioned except on certain grounds like competence of the Authority issuing the said order, want of jurisdiction, contrary to the Rules, etc. As long as the competency of the authority issuing the suspension order is not challenged, this Court cannot interfere with the order of the suspension.

5. Insofar as the present case on hand is concerned, the relief sought for by the petitioner, that the suspension order needs to be interfered with, cannot be blindly granted, in the absence of any prima facie case made to that extent. It is for the respondents to review the suspension periodically, depending upon the circumstances prevalent, taking note of the judgment of the Hon'ble Supreme Court in Ajay Kumar Choudhary vs. Union of India through its Secretary and another, reported in 2015 (7) SCC 291,

6. In view of the above, this Court is not inclined to interfere with the order of suspension. It is needless to mention that it is open to the respondents to consider the revocation of suspension or to continue the suspension, after a period of six months of the suspension order in terms of the order of the Apex Court in Ajay Kumar Choudhary's case stated supra and the petitioner as a matter of right cannot demand that the suspension has to be revoked. This Court makes it very clear that it is open to the respondents to frame charges and to proceed with departmentally if so advised, and in case the department wants to proceed further, the enquiry should be conducted on day to-day basis without adjourning the matter beyond seven working days at any point of time. The respondents, while taking a decision, shall bear in mind the judgments of the Apex Court (supra) and this Court dated 06.01.2021 made in

W.P.No.13 of 2021 in V.Mohanraj case, especially in paragraph Nos.6 & 9.

7. With the above observations, the writ petition is disposed of. No costs. Consequently connected miscellaneous petition is also closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

dpq
To:

- 1.The Registrar,
The Registrar of Co-operative Societies,
Puducherry.
- 2.The Administrator,
The Puducherry State Co-opertive Bank,
Puducherry.
- 3.The Managing Director,
The Puducherry State Co-operative Bank Ltd.,
Head Office, Puducherry.
- 4.The Branch Manager,
The Puducherry State Co-operative Bank Ltd.,
Muthialpet Branch, Muthialpet,
Puducherry 605 003.
- 5.The Managing Director,
The Puducherry State Co-operative Bank Ltd.,
Head Office, Puducherry.

+1 CC to Mr.E. Anbarasan, Advocate sr 19522.

+1 CC to The Government Pleader sr 19230

WEB COPY

W.P.No.7675 of 2021
and WMP.No.8206 of 2021

EV(CO)
SP(02/07/2021)