



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.7966 of 2021

and

W.M.P(MD)Nos.6078, 6079 & 6081 of 2021

J.Murugan

... Petitioner

vs.

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

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

3.The Co-operative Societies Sub-Registrar,
Kamudhi, Ramnad District.

4.The President,
Q.1281, Pookkulam Primary Co-operative Society,
Pookkulam, Kamudhi Taluk,
Ramnad District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of suspension dated 08.03.2021 passed by the fourth respondent and quash the same and with a consequential direction directing the respondents to reinstate the petitioner into service.

For Petitioner : Ms.Porkodi Karnan

For Respondents : Mr.P.Mahendran
Additional Government Pleader

ORDER

This Writ Petition is filed seeking for a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of suspension, dated 08.03.2021 passed by the fourth respondent and quash the same and with a consequential direction directing the respondents to reinstate the petitioner into service.

2.Mr.P.Mahendran, learned Additional Government Pleader accepts notice on behalf of the respondents.



3. According to the petitioner, he was appointed as a Clerk in the fourth respondent Society in the year 1997. While he was discharging his duty in the fourth respondent Society, he was given with an additional charge as Secretary at Peikkulam Primary Agricultural Co-operative Society by the second respondent in the year 2017 and in the year 2019, the petitioner had an additional charge as Secretary at Chithirangudi Primary Agricultural Co-operative Society also.

4. While so, on 25.10.2019, an enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act was initiated against him and the Assistant Manager of Peikkulam Primary Agricultural Co-operative Society, for some allegations. The petitioner participated in the enquiry conducted by the third respondent and the third respondent, after conducting enquiry, held that there was no monetary loss due to the alleged mismanagement and also there was no intention on the part of the petitioner in committing the mismanagement and held that there was a carelessness on the part of the petitioner and finally, the third respondent had recommended for initiating departmental action against the petitioner.

5. Subsequently, the fourth respondent issued a charge-memo, dated 21.10.2020 and the petitioner submitted his explanation on 24.10.2020. While so, the fourth respondent had passed an order of suspension on 31.10.2020. Challenging the suspension order, dated 31.10.2020, the petitioner had filed a Writ Petition in W.P(MD) No.16430 of 2020. This Court, by order dated 24.11.2020, granted an order of interim stay of the suspension order. In view of the said order, the second respondent, by proceedings dated 08.12.2020, permitted the petitioner to work in Peikkulam and Chithirangudi Primary Agricultural Co-operative Societies knowing well that the fourth respondent would have grudge upon the petitioner and will not permit him to work. In the said order, there was no specific instruction to work at the fourth respondent Society. While so, the fourth respondent sent a Communication, dated 17.12.2020 to the petitioner seeking explanation and the petitioner has also sent reply on 19.12.2020. However, the fourth respondent had again passed the impugned order of suspension, dated 08.03.2021. Challenging the same, the petitioner has come out with the present Writ Petition.

6. The learned Additional Government Pleader appearing for the respondents submitted that while the petitioner was working in the fourth respondent Society, he was given additional charge of Secretary at Peikkulam and Chithirangudi Primary Agricultural Co-operative Societies. For some mismanagement, the petitioner was suspended from service on 31.10.2020. Challenging the same, the petitioner filed W.P(MD)No.16340 of 2020 and obtained an order of interim stay on 24.11.2020. As per the order passed by this Court, the petitioner did not join duty in the fourth respondent Society and the fourth respondent issued notice, dated 17.12.2020, seeking explanation and subsequently, he was suspended from service by the



impugned order, dated 08.03.2021 and prayed for dismissal of the Writ Petition.

7. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

8. From the materials available on record, it is seen that the earlier order of suspension passed by the fourth respondent, dated 31.10.2020 was stayed by this Court in W.P(MD)No.16340 of 2020, vide order dated 24.11.2020. The second respondent by proceedings, dated 08.12.2020, instructed the petitioner to take additional charge as Secretary in two Societies, namely Peikkulam and Chithirangudi Primary Agricultural Co-operative Societies. According to the petitioner, no instruction was issued permitting the petitioner to join in the fourth respondent Society in the said order. The petitioner challenged the order of suspension passed by the fourth respondent and this Court granted an order of interim stay. After obtaining the order in the Writ Petition, it is for him to join in the fourth respondent Society. The fourth respondent sent a communication dated 17.12.2020, to the petitioner as to why disciplinary proceedings should not be taken against him. Even after receiving notice from the fourth respondent, the petitioner has not joined. After considering the explanation submitted by the petitioner, dated 19.12.2020, the fourth respondent by impugned order dated 08.03.2021, suspended the petitioner pending disciplinary proceedings. Further, from the perusal of the impugned order, it is seen that the petitioner was suspended for a period of three months pending disciplinary proceedings. The authorities have power to suspend an employee during the pending disciplinary proceedings and the power of the Court to interfere with the order of suspension is very limited and in the present case, there is no reason to interfere with the order of suspension passed by the fourth respondent. Accordingly, the Writ Petition is devoid of merits and the same is dismissed. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

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ASSISTANT REGISTRAR (RECORDS)

TRUE COPY

/05/2021

SUB ASSISTANT REGISTRAR (CS)

ps



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.
- 2.The District Registrar of Co-operative Societies,
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- 3.The Co-operative Societies Sub-Registrar,
Kamudhi,
Ramnad District.
- 4.The President,
Q.1281, Pookkulam Primary Co-operative Society,
Pookkulam, Kamudhi Taluk, Ramnad District.

1CC TO MR. POLAX LEGAL SOLUTIONS ADVOCATES SR:16592
1CC TO THE SPL GOVT PLEADER SR 16485

TR
03/05/2021
4P/7C

W.P (MD) No. 7966 of 2021
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