



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.8663 of 2021

and WMP(MD)Nos.6526 & 6528 of 2021

WEB COPY

T.K.N.Saravanan

... Petitioner

vs.

- 1.The Joint Registrar of Co-operative Societies,
O/o. the Joint Registrar of Co-operative Societies,
Dindigul Region,
Dindigul District.
- 2.The Deputy Registrar of Co-operative Societies,
O/o. the Deputy Registrar of Co-operative Societies,
11/223, Raja Nagar,
Lakshmi Nagar Extension,
Palani, Dindigul District.
- 3.The President,
DD1196/K.C.Patti, Primary Agricultural
Co-operative Credit Society,
K.C.patti Post,
Perumalpatti viz.,
Kodaikanal Taluk,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the third respondent in his proceedings Nil dated 20.01.2020 and quash the same as illegal and consequently to direct the respondents to disburse the subsistence allowance of the petitioner from the month of January 2020 within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates
For Respondents : Mr.P.Subbaraj,
Government Advocate.

ORDER

The petitioner has filed this Writ Petition challenging the order passed by the third respondent in his proceedings dated 20.01.2020 and for a consequential direction to the respondents to disburse the subsistence allowance of the petitioner from the month of January 2020.

2. According to the petitioner, he was initially appointed as Salesman on 07.05.1987 in DD 496/K.C.Patti, Primary Agricultural Co-operative Credit Society, Dindigul District and subsequently, he was



promoted as Secretary. While so, the third respondent vide his proceedings dated 20.01.2020, placed him under suspension in contemplation of domestic enquiry. From that date onwards, suspension is continued and no charge memo was issued to the petitioner till date. The subsistence allowance was also not paid.

3. The learned counsel appearing for the petitioner submitted that the order of suspension cannot be continued beyond three months, if no charge memo is issued to the suspended employee. Even if charge memo is issued within three months, the employer must give reasons for extending the suspension for beyond three months. The order of suspension must be revived periodically and on the facts of the present case, the order of suspension can be revoked. He further submitted that an employee cannot be kept under suspension for a prolonged period and in support of his contention, he has also relied on a judgment of the Hon'ble Apex Court in **Ajay Kumar Choudhary Vs. Union of India** reported in **2015 (7) SCC 291**.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

5. From the materials available on record, it is seen that petitioner was suspended from service with effect from 20.01.2020 in contemplation of domestic enquiry. The third respondent has not mentioned the period of suspension in the impugned order. It is not in dispute that the petitioner was placed under suspension on 20.01.2020 and is continued without any order for extension of suspension. The third respondent has not served any charge memo on the petitioner and also not conducted any domestic enquiry.

6. In view of the above facts, the ratio in the judgment of Hon'ble Apex Court referred to above, is squarely applicable to the case of the petitioner. Applying the ratio laid down in the judgment of Hon'ble Apex Court in **Ajay Kumar Choudhary Vs. Union of India** reported in **2015 (7) SCC 291**, the impugned order of suspension passed by the third respondent is set aside. The third respondent is directed to reinstate the petitioner into service within three weeks from the date of receipt of a copy of this order and pay the subsistence allowance.

6. With the above direction, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

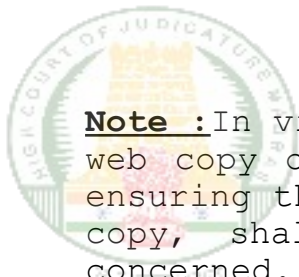
Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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.

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+1 CC to M/s.SPL GP (SR-21701[F] dated 08/07/2021)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-21894[F] dated 09/07/2021)

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