



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.7531 of 2022

P.Mathiyalagan

... Petitioner

vs.

- 1.The Joint Registrar of
Co-operative Societies,
Room No.410, District Collector
Office, Salem - 636 001.
- 2.The Deputy Registrar of
Co-operative Societies,
Salem Region,
Central Co-operative Bank Campus,
Salem - 636 001.
- 3.The Management,
S.411, Sooramangalam Primary
Agricultural Co-operative Credit
Society Limited,
Sooramangalam,
Salem - 5.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 03.01.2022 for reinstatement, continuity of service with all backwages in view of the order of acquittal passed in CrI.A.No.117 of 2017 dated 08.12.2021 and in view of the circular in Na.Ka.No.60894/2008 Sa Da 3, Circular No.26/2008 dated 18.09.2008 on the file of the Registrar of Co-operative Societies.

For Petitioner	: Mr.S.Doraiswamy
For RR1 & 2	: Mrs.S.Anitha Special Government Pleader
For R3	: Mr.A.Selvendran Special Government Pleader



O R D E R

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

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2. The case of the petitioner in brief:

The petitioner was working as Salesman in the 3rd respondent society. The petitioner was implicated in a criminal case for the offence under Section 304(II) of IPC and the same was taken on file in Spl.S.C.No.154 of 2011 before the III Additional District and Sessions Court, Salem. After the trial, the trial Court convicted the petitioner to undergo sentence for 10 years RI with fine of Rs.5000/- by a judgment dated 19.02.2015. Based on the aforesaid judgment, the petitioner was placed under suspension on 27.04.2015 and thereafter, he was permanently removed from the service on 05.08.2015. Thereafter, the writ petitioner filed an appeal in CrI.A.No.117 of 2017 against the judgment passed in the aforesaid Spl.S.C.No.154 of 2011 before this Court and this Court, by a judgment dated 08.12.2021, acquitted the petitioner. Therefore, the petitioner made a representation to the respondents on 03.01.2022, to reinstate him into service with continuity of service and with all back wages. But, the said representation of the petitioner has not been considered till date. Hence, he filed this instant writ petition before this Court.

3. Mrs.S.Anitha, learned Special Government Pleader takes notice for the respondents 1 & 2 and Mr.A.Selvendran, Special Government Pleader takes notice for the 3rd respondent and they submitted that, the representation of the petitioner will be considered by the respondents as per rules.

4. Inview of the above submissions and also considering the limited scope of prayer, without expressing any opinion on merits, this Court is inclined to direct the respondents to consider the representation of the petitioner dated 03.01.2022, and pass orders on its own merits, in accordance with law, as expeditiously as possible, within a period of three months from the date of receipt of a copy of this order.

5. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar



To

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Salem - 5.

+1cc to Mr.S.Doraisamy, Advocate SR.No.22041
+1cc to the Government Pleader, SR.No.22230

W.P.No.7531 of 2022

MT (CO)
CB(19/04/2022)