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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.11259 of 2020

A.Vasanthi

... Petitioner

vs.

1.The Deputy Registrar of Co-operative Societies,
Omalur Circle, Omalur,
Salem District - 636 455.

2.The Administrator,
S-777, Nagavalli Primary Agricultural Credit Society,
Nanguvalli - 636 454,
Mettur Taluk, Salem District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents herein to pass appropriate orders within a limited time frame with regard to prolonged suspension by considering the representation dated 11.05.2020.

For Petitioner : Mr.G.Punniakoti

For Respondents : Mr.Haja Nazirudeen
Additional Advocate General
Assisted by Mrs.S.Anitha
Special Government Pleader

O R D E R

This writ petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to pass appropriate orders on the petitioner's representation dated 11.05.2020 within a time frame as fixed by this court.



2. The case of the petitioner in brief:

The petitioner was serving as Clerk/Casher of Nangavalli Primary Agricultural Co-operative Credit Society, Metur Taluk, Salem District. She was placed under suspension vide order dated 27.07.2017 issued by the second respondent and charge memo was issued on 29.08.2018. The petitioner has also submitted her detailed explanation. Thereafter, there is no progress in the proceedings and enquiry has not been conducted into the charges. According to the petitioner, in the enquiry report filed under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, it is found that 1.Mr. C.Selvaraj, Secretary, 2. Mr.R.Kalaivani, Assistant Secretary, 3. Mr.P.Thangavel, Manager and 4. Mr.S.Sekar, Salesman/Cashier alone are responsible for the financial irregularities and the petitioner has not been found responsible for the same. Therefore, the petitioner had submitted a representation dated 11.05.2020 to finalise the disciplinary proceedings and to revoke the suspension order. But the respondents have not considered it. Hence this writ petition.

3. In the counter affidavit, it is stated that, the second respondent framed charges vide charge memo dated 29.08.2018 and a Domestic Enquiry Officer was appointed on 20.02.2019. However, due to Covid-19, the Domestic Enquiry was getting delayed and the Domestic Enquiry officer assured to submit the report on or before 30.10.2020. Therefore, after getting report from the Domestic Officer and observing proper procedures, final orders will be passed in the disciplinary proceedings by the second respondent or or before 31.12.2020.

4. In the light of the above statement made in the counter affidavit, it is clear that by this time, the Enquiry Officer would have filed his report and final orders would have passed by the second respondent. If no final order is passed by the second respondent as assured in the counter affidavit, it is ordered as follows.

i) The second respondent is directed to pass final orders on the disciplinary proceedings, within four weeks from the date of receipt of a copy of this order.

ii) If already final order is passed, the same shall be communicated to the petitioner forth with.

iii) If the petitioner is aggrieved by the final order and if so advised, liberty is granted to her to approach the authorities concerned in a manner known to law.



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5. With the above directions, the writ petition is disposed of. No costs. Consequently, connected writ miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

mst

To

1.The Deputy Registrar of Co-operative Societies,
Omalur Circle, Omalur,
Salem District - 636 455.

2.The Administrator,
S-777, Nagavalli Primary Agricultural Credit Society,
Nanguvalli - 636 454,
Mettur Taluk, Salem District.

+lcc to Mr.G.Punniakoti, Advocate SR.No.25550

+lcc to the Government Pleader, SR.No.25946

W.P.No.11259 of 2020

RR(CO)

CB(29/04/2022)