



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2022

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.11756 of 2020
and
W.M.P.No.14453 of 2020

M.Prabishkumar

... Petitioner

Vs.

1.The Deputy Registrar of Co-operative Society,
Thiruvannamalai District,
Thiruvannamalai.

2.The President,
HH572, Thatchampattu Primary Agricultural Co-operative
Credit Society,
Thatchampattu Village and Post - 606 811,
Thiruvannamalai Taluk & District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the 2nd respondent in Proceeding No.Nil dated 12.08.2020 and to quash the same and consequently direct the respondents to reinstate the petitioner into service with all attendant benefits.

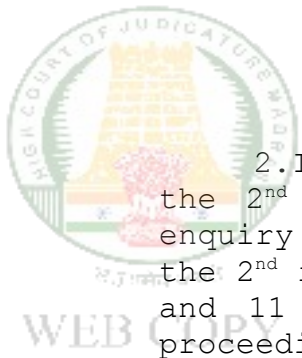
For Petitioner : Mr.G.Sankaran

For Respondents : Mrs.C.Meera Arumugam
Additional Government Pleader
for R1

Mr.L.P.Shanmugasundaram
for R2

ORDER

This writ petition has been filed to call for the records relating to the impugned order issued by the 2nd respondent in Proceeding No.Nil dated 12.08.2020 and to quash the same and consequently direct the respondents to reinstate the petitioner into service with all attendant benefits.



2.It appears that the petitioner was appointed as a clerk in the 2nd respondent Co-operative Society in the year 1998. An enquiry was ordered by the 2nd respondent against the employees of the 2nd respondent which enquired the petitioner and another clerk and 11 others by the erstwhile Board of Directors. In the proceedings under Section 81 enquiry was conducted and the other clerk was placed under suspension on 22.01.2019. The petitioner was suspended which has been extended.

3.It is the specific case of the petitioner that despite lapse of time, the petitioner was not reinstated into the service after extension of service up to 21.01.2020 and therefore the petitioner was constrained to file writ petition in W.P.No.4520 of 2020 for reinstatement into service.

4.It is submitted that the said writ petition could not be taken up for hearing due to the out break of Covid - 19. It is submitted that the 2nd respondent issued order for revocation of suspension to reinstate the petitioner into service with effect from 24.07.2020. Thereafter, the impugned order dated 12.08.2020 has been passed by the 2nd respondent and have placed the petitioner under suspension on the premises that the 1st respondent ordered the petitioner to be placed under suspension under Section 166 of Act and that reinstatement of the petitioner into service was against the provisions of bylaws of the Society and Tamil Nadu Co-operative Societies Act and Rules made thereunder.

5.Considering the same, I am inclined to quash the impugned order and remitting the case back to the respondent to complete the disciplinary proceedings against the petitioner in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. Reinstatement of the petitioner will be subject to final outcome of the aforesaid proceedings.

6.Accordingly, this writ petition stands disposed of with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CCC)

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Sub Assistant Registrar



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To

1.The Deputy Registrar of Co-operative Society,
Thiruvannamalai District,
Thiruvannamalai.

2.The President,
HH572, Thatchampattu Primary Agricultural Co-operative
Credit Society,
Thatchampattu Village and Post - 606 811,
Thiruvannamalai Taluk & District.

+lcc to the Government Pleader SR.No.34221

W.P.No.11756 of 2020
and

W.M.P.No.14453 of 2020

RK(CO)
CB(06/07/2022)