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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.18640 of 2020

S.Sekar

... Petitioner

Vs.

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

2.The Administrator,
S.777, Nangavalli Primary Agricultural
Co-Op Credit Society Ltd.,
Nangavalli, Mettur Taluk,
Salem District - 636454.

... Respondents

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's claim for revocation of the petitioner's prolonged suspension from 08.11.2016 and pass order within a limited time frame, in the light of representation dated 30.10.2020 of the petitioner.

For Petitioner : Mr.G.Punniakoti

For Respondents : Mr.Haja Nazirudeen
Additional Advocate General
Assisted by Ms.S.Anitha
Special Government Pleader [R1]
Mr.L.P.Shanmugasundaram [R2]

O R D E R

The relief sought for in the writ petition is for a Mandamus directing the respondents to consider the petitioner's claim for revocation of his prolonged suspension from 08.11.2016 and pass order within a limited time frame, in the light of representation dated 30.10.2020 of the petitioner.

2.Brief facts of the case:

The petitioner was appointed as a salesman in the fair price shop attached to the second respondent/Co-operative



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Society on 03.09.1999. Due to financial irregularities in the affairs of the Society, he was placed under suspension and subsequently, a charge Memo No.4/2018-2019, dated 29.08.2018 was issued and thereafter, the petitioner has given his explanation dated 30.11.2018 by requesting to drop the charges against him, to revoke the order of suspension and to reinstate the petitioner in service. Thereafter, he has submitted a representation dated 30.10.2020 to the respondents to revoke him from prolonged suspension, to reinstate him in service and to disburse the subsistence allowance, but the said representation is pending till date. Hence, the writ petition.

3(a).The learned counsel for the petitioner would submit that the petitioner was appointed as salesman in the fair price shop attached to the second respondent/Co-operative Society on 03.09.1999 and he has been rendering sincere and unblemished service for more than 15 years without any promotion. Whiles, the petitioner was placed under suspension by proceedings dated 08.11.2016 by the President of the Co-operative society, in connection with certain alleged financial irregularities in the affairs of the Society committed by the Secretary, Assistant Secretary, Manager, Cashier and Clerk of the society and issued charge memo No.4/2018-2019 dated 29.08.2018. Thereafter, the petitioner has given his explanation dated 30.11.2018 by requesting to drop the charges against him, to revoke the order of suspension and to reinstate the petitioner in service. Thereafter, he has submitted a representation dated 30.10.2020 to the respondents to revoke him from prolonged suspension, to reinstate him in service and to disburse the subsistence allowance, but the said representation is pending till date.

3(b).Further, the learned counsel for the petitioner would submit that the petitioner has no role to play in the financial transactions of the society and hence, he is entitled to reinstate in service without prejudice to the outcome of disciplinary proceedings.

4.The learned Government Pleader appearing for the respondents would submit that the respondents will consider the petitioner's representation dated 30.10.2020 and will pass appropriate orders in accordance with law.

5.Heard the learned counsel on either side and perused the materials placed on record.

6.Considering the facts and circumstances of the case and the submissions made by the learned counsels, this Court is inclined to direct the respondents to consider the petitioner's representation dated 30.10.2020 and pass appropriate orders as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of this order.



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

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

Dua

To

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

2. The Administrator,
S.777, Nangavalli Primary Agricultural
Co-op Credit Society Ltd.,
Nangavalli, Mettur Taluk,
Salem District - 636454.

+1cc to Mr.G.Punniakoti, Advocate SR. No.20209

+1cc to Special Government Pleader SR. No.20638

W.P.No.18640 of 2020

SKM (CO)

PR (12/04/2022)