



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 12.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P (MD) No.9953 of 2021

and

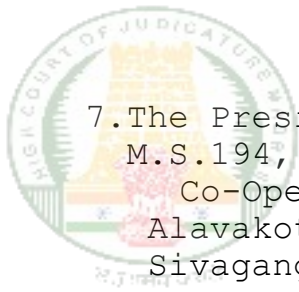
W.M.P (MD) No.7647 of 2021

Chitradevi

... Petitioner

Vs

- 1.The Commissioner,
Milk Production and Dairy Development,
No.3A, Pasumpon Muthuramalinganar Salai,
Nandanam, Chennai - 6000 035.
- 2.The Commissioner,
Tamil Nadu Co-Operative
Milk Producers Federation Limited (TCMPF),
Madhavaram Milk Colony,
Chennai - 600 051.
- 3.The Deputy Registrar (Dairying),
Deputy Registrar Office,
Manamadurai,
Sivagangai District.
- 4.Ramachandran
The Circle Senior Inspector,
Deputy Registrar Office (Dairying),
Manamadurai,
Sivagangai District.
- 5.The Circle Senior Inspector,
Deputy Registrar Office (Dairying),
Manamadurai,
Sivagangai District.
- 6.N.Subramanian,
AIADMK Branch Secretary in Village Level cum President,
M.S.194, Alavakottai Milk Producers
Co-Operative Society Limited,
Alavakottai, Madagupatti Taluk,
Sivagangai District.



7.The President,
M.S.194, Alavakottai Milk Producers
Co-Operative Society Limited,
Alavakottai, Madagupatti Taluk,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus, to direct the first respondent to consider the representation dated 04.05.2021 within a time frame that may be stipulated by this Court and direct the first respondent to set aside the suspension order and to take suitable action against the defaulters in accordance with law and to direct the third respondent to hand over the personal diary to the petitioner.

For Petitioner : Mr.R.Saravanan
For Respondent : Mr.J.Ashok,
Nos.1 to 3 and 5 Additional Government Pleader
For Respondent : Mr.E.Marees Kumar
No.7

ORDER

This writ petition has been filed for a mandamus to direct the respondents to consider the representation of the petitioner dated 04.05.2021 and to revoke the suspension of the petitioner.

2.The learned Counsel for the petitioner submitted that the petitioner, a Clerk of the M.S.194 Alavakottai Milk Producers Co-Operative Society Limited, Alavakottai, Madagupatti Taluk, Sivagangai District has been placed under suspension due to political vendetta and the personal diary was also taken away by the respondents. Challenging the order of suspension, the petitioner has earlier filed a writ petition in W.P(MD)No.18754 of 2020 and in the meantime she has also filed an appeal before the Deputy Registrar (Dairying) and this Court by order dated 21.10.2020 directed the appeal be disposed of within a time frame. However, the third respondent initiated an enquiry under Section 81 of the Tamil Nadu Co-Operative Societies Act, driving the petitioner to file another writ petition in W.P(MD)No.7926 of 2021, wherein this Court by order dated 17.04.2021, directed the enquiry be completed within a period of three weeks. However, so far no orders has been passed by the respondents. Therefore, the petitioner is before this court.

3.The learned Counsel further submits that the petitioner has not been paid with subsistence allowance during this suspension period.

4.The learned Counsel for the seventh respondent submits that the enquiry officer has submitted his report and the second show cause notice was issued on 30.12.2021 and the petitioner's reply is awaited to proceed further.



5. In view of the subsequent developments, this writ petition is disposed of on the following terms:

(i) The petitioner shall furnish her explanation, if any, to the second show cause notice dated 30.12.2021, within a period of ten days from the date of receipt of a copy of this order.

(ii) The sixth respondent upon receipt of such reply from the petitioner shall pass final orders within a period of four weeks therefrom and shall also pay the subsistence allowance payable to the petitioner along with arrears within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

dsk

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.

To

1. The Commissioner,
Milk Production and Dairy Development,
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3. The Deputy Registrar (Dairying),
Deputy Registrar Office,
Manamadurai,
Sivagangai District.



4.The Circle Senior Inspector,
Deputy Registrar Office (Dairying),
Manamadurai,
Sivagangai District.

5.The President,
M.S.194, Alavakottai Milk Producers
Co-Operative Society Limited,
Alavakottai, Madagupatti Taluk,
Sivagangai District.

+1 CC to M/s.SPL.GP (SR-1708[F] dated 19/01/2022)

W.P (MD) No.9953 of 2021
12.01.2022

NSN(CO)
GC(21.03.2022) 4P 7C