



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **27.05.2022**

CORAM:

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P(MD)No.10480 of 2022

and

W.M.P(MD)No.7576 of 2022

K.Govindasamy

... Petitioner

vs.

1.The President

TRL(S)2, Thiruppathur Primary Agricultural
and Rural Development Co-operative Bank,
Sivagangai District.

2.The Deputy Registrar,

Deputy Registrar Office of Co-operative Societies,
Opposite to Municipality Park,
51, Muthulakshmi Illam,
Govindarajanu Salai,
Aruna Nagar,
Sekkalai Road,
Karaikudi-2,
Sivagangai District.

3.The Joint Registrar,

Joint Registrar of Co-operative Society,
Opposite to Government Women's College,
Sivagangai-630561.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to reinstate the petitioner as Special Grade Supervisor in DRL(S)2, Thiruppathur Primary Agricultural and Rural Development Co-Operative Bank, Sivagangai District, by considering the petitioner's representation dated 4/5/2022.

For Petitioner : Mrs.S.Ragaventhre

For Respondents : Mr.M.Senthil Ayyanar
Government Advocate



O R D E R

The petitioner was working as a Special Grade Supervisor at the 1st respondent Primary Agricultural and Rural Development Co-operative Bank.

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2. While so, in respect of a disciplinary proceeding, the petitioner was placed under suspension on 08.07.2021. Thereafter, the disciplinary proceedings concluded and an order of penalty was awarded against the petitioner, by the order of the 1st respondent dated 17.12.2021, under which, stoppage of increment for three years with cumulative effect, was imposed on the petitioner. Though such a punishment was awarded against the petitioner, and that the said punishment may not give any impediment for the employer to reinstate the petitioner, the petitioner has been continuously in a suspended position, for which, according to the petitioner, even subsistence allowance has not been given. Therefore, in order to reinstate the petitioner, he has come before this Court by filing the present writ petition with the prayer of Mandamus, after giving a representation to that effect to the respondents dated 04.05.2022.

3. Heard the learned counsel for the petitioner who would submit that apart from the one disciplinary proceeding which ended in punishment of stoppage of increment for three years with cumulative effect, as per the order of the 1st respondent dated 17.12.2021, no other disciplinary proceeding is pending against the petitioner. Therefore, after the penalty imposed against the petitioner as per the order dated 17.12.2021, the petitioner ought to have been reinstated. However, since the petitioner has not been reinstated, a suitable direction may be given to the respondents.

4. Heard Mr.M.Senthil Ayyanar, learned Government Advocate appearing for the respondents, who would submit that the allegation made by the petitioner that the subsistence allowance has not been given to him, is not correct, as the 1st respondent Bank by a cheque dated 24.05.2022, drawn a sum of Rs.82,252/- as subsistence allowance payable to the petitioner which was sent to the petitioner on 24.05.2022. Insofar as the reinstatement is concerned, since there has been a Circular issued by the Registrar of Co-operative Societies dated 22.02.2010, where even though disciplinary proceeding is completed, if any criminal case is pending, during the pendency of the criminal case, no reinstatement need to be made, he contended that reinstatement is not made.

5. I have considered the said submissions.

6. Insofar as the punishment awarded against the petitioner is concerned, that was only a stoppage of increment for three years with cumulative effect as per the order dated 17.12.2021. Therefore, that kind of punishment can be executed against the



petitioner. Therefore, that shall not stand in the way for reinstating the petitioner, as the petitioner is having qualifying service for some more years.

7. Insofar as the Circular dated 22.02.2010, that may not bind the authorities concerned, to reinstate the petitioner, as there has been no other disciplinary proceedings pending against the petitioner. Hence, the petitioner cannot be kept under continuous suspension even after the completion of disciplinary proceedings. Therefore, the petitioner is entitled for reinstatement immediately.

8. Moreover, instead of extracting work by reinstating the petitioner, the 1st respondent decided to keep the petitioner under suspension and to pay the subsistence allowance continuously, by which action on the part of the 1st respondent, unnecessarily, the money of the 1st respondent is being spent in the name of subsistence allowance to the petitioner, without extracting any work from him. Therefore, on that ground also, the stand taken by the 1st respondent may not be justifiable.

9. For all these reasons, this Court is inclined to dispose of this writ petition with the following order:-

There shall be a direction to the 1st respondent to consider the representation/request of the petitioner dated 04.05.2022 and accordingly, pass necessary orders, reinstating the petitioner. The needful as indicated above, shall be undertaken by the 1st respondent within a period of four weeks from the date of receipt of a copy of this order.

10. With this direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Vacation Officer/
Assistant Registrar

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28/05/2022

Sub Assistant Registrar(CS)

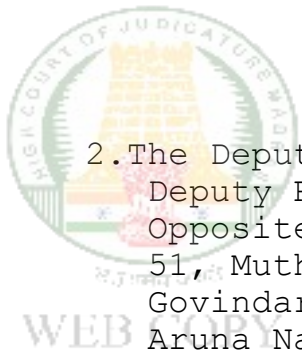
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To

1.The President

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and Rural Development Co-operative Bank,
Sivagangai District.

<https://hcservices.ecourts.gov.in/hcservices/>



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