



WEB COPY

W.A(MC



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.A(MD)No.675 of 2022

S.Alwar Kumar

... Appellant/Writ Petitioner

Vs.

1.The Joint Registrar (FAC),
Co-operative Societies Department,
Thoothukudi Region,
Thoothukudi District.

2.The Deputy Registrar,
Co-operative Societies Department,
Thiruchendur,
Thoothukudi District.

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 21.03.2022 in W.P(MD)No.21801 of 2021 and allow the Writ Appeal.

Prayer in WP(MD). 21801/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF MANDAMUS directing the 1st respondent to revoke Petitioner suspension order dated 15.09.2021 by dispose Petitioner representation dated 20.09.2021 within the time stipulated by this Honble Court.

For Appellant : Mr.D.Selvanayagam

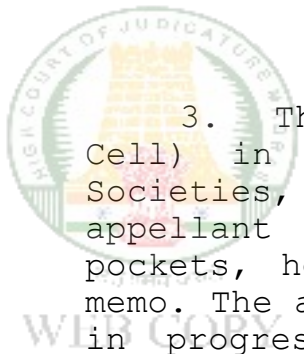
For Respondents : Mr.J.Ashok,
Additional Government Pleader

J U D G M E N T

(Judgment of the Court was delivered by S.S.SUNDAR,J.)

The petitioner in W.P.(MD) No.21801 of 2021 is the appellant in the above appeal. The appeal is against the order of learned Single Judge, dated 21.03.2022, dismissing the Writ Petition.

2. Heard Mr.D.Selvanayagam, learned counsel for the appellant and Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents.



3. The appellant was working as Sub-Registrar (In-charge of Jail Cell) in the Office of the Deputy Registrar of Co-operative Societies, Tiruchendur. Pursuant to the serious charge against the appellant that he failed to account for the missing of jewels pockets, he was placed under suspension and issued with a charge memo. The appellant was suspended on 15.09.2021. When the enquiry is in progress, the appellant has submitted a representation for revocation of suspension. Since the representation was not disposed of, the appellant has approached this Court by filing the writ petition. The writ petition was dismissed by learned Single Judge, considering the fact that the representation was submitted on 15.09.2021 and the petitioner has approached this Court within six months.

4. It is now admitted before this Court that the disciplinary proceedings have commenced and several witnesses have also been examined. Since the appellant is under suspension for almost an year, this Court is of the view that the representation of the petitioner can be considered having regard to the attending circumstances.

5. In view of the above, the Writ Appeal is partly allowed and the respondents are directed to consider the representation of the petitioner regarding revocation or review of the order of suspension within a period of four months from the date of receipt of a copy of this order on merits and in accordance with law. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

sj

To

1.The Joint Registrar (FAC),
Co-operative Societies Department,
Thoothukudi Region, Thoothukudi District.

2.The Deputy Registrar,
Co-operative Societies Department,
Thiruchendur, Thoothukudi District.

+1 CC to M/s.D. SELVANAYAGAM, Advocate (SR-30836[F] dated 08/07/2022)

+1 CC to M/s.SPL.GP (SR-30922[F] dated 11/07/2022)

W.A(MD) No.675 of 2022
08.07.2022