



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.01.2022**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

W.P. (MD)Nos.11546 & 12240 of 2018

and

W.M.P. (MD)Nos.10513 & 11137 of 2018

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A.K.Veerabadran

...Petitioner in both WPs

/Vs./

The Joint Registrar of Co-operative Societies,
Tirunelveli Region,
Palayamkottai,
Tirunelveli - 627 002.

...Respondent in both WPs

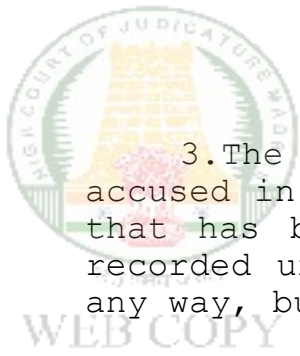
COMMON PRAYER:- Writ Petitions - filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus calling for the records of the impugned order passed by the Respondent in Rc.No.3130/2018 Esst. Dated 23.05.2018 & Rc.No.3130/2018 Esst. dated 31.05.2018 and to quash the same and consequently directing the Respondent to permit the petitioner to retire with all monetary benefits.

For Petitioner	: Mr.M.Karunanithi (in both WPs) for M/s.Isaac Chambers
For Respondent	: Mr.K.S.Selvaganesan Additional Government Pleader (in WP.(MD)No.11546 of 2018) Mr.A.K.Manikkam Special Government Pleader (in WP.(MD)No.12240 of 2018)

COMMON ORDER

These two writ petitions are filed by an employee in the Co-operative Societies Department in Tirunelveli District. Having joined the department in 1985, he was promoted through the ranks and was due to retire on 31.05.2018 from the post of Co-operative Sub-Registrar Field Officer, Ambasamudram.

2.While so, he received an order of suspension dated 23.05.2018, which is based upon certain alleged deficiencies in his supervision of employees. A complaint was hence given by the Deputy Registrar of Co-operative Societies, Cheranmahadevi and FIR came to be registered on 23.01.2014 for offences under Sections 408, 409, 468, 471 and 471-A of IPC.



3.The petitioner would point out that he was not named as an accused in the FIR, there has been no specific or direct allegation that has been levelled against him and infact even the statement recorded under Section 161 (3) of Cr.P.C., does not implead him in any way, but only the Secretary.

4.Thus, he would state that his retention in service, without being permitted to retire with full retiral benefits, is contrary to law. He challenges order dated 23.05.2018 suspending him and order dated 31.05.2018 declining to permit him to retire on account of pending criminal proceedings.

5Mr.K.S.Selvaganesan, learned Additional Government Pleader (in WP(MD)No.11546 of 2018) and Mr.A.K.Manikkam, learned Special Government Pleader (in WP(MD)No.12240 of 2018), would, in one voice, assure the Court that the pending criminal proceedings would be completed within an outer time limit of twelve weeks from today.

6.Thus and as, the conclusion of the criminal proceedings is imminent, I believe it appropriate to direct the learned Judicial Magistrate, Tirunelveli to dispose CC.No.1 of 2015 and CC No.2 of 2015 expeditiously, and in any event, within a period of twelve weeks from today.

7.That apart, the status report filed by the respondents would indicate pending of proceedings in terms of Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 as well.

8.Let both the pending proceedings, criminal as well as disciplinary be completed in accordance with law and with the principles of natural justice, within an outer timelimit of twelve weeks from today. Assuming that the orders are in favour of the petitioner, retiral benefits will be paid over expeditiously.

9.With this direction, the Writ Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

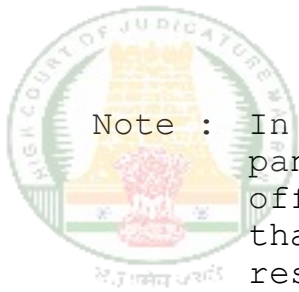
Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

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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.

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To

The Joint Registrar of Co-operative Societies,
Tirunelveli Region,
Palayamkottai,
Tirunelveli - 627 002.

+1 CC to M/s.M.KARUNANITHI, Advocate (SR-2491[F] dated 25/01/2022)

+1 CC to M/s.SPL.GP (SR-2570[F] dated 27/01/2022)

W.P.(MD)Nos.11546 & 12240 of 2018
25.01.2022

MGJ(08.02.2022) 3P 4C