



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.21801 of 2021

S.Alwar Kumar

... Petitioner

Vs.

1.The Joint Registrar (FAC)
Cooperative Societies Department
Thoothukudi Region
Thoothukudi District.

2.The Deputy Registrar
Cooperative Societies department
Thiruchendur
Thoothukudi District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondent to revoke the petitioner suspension order dated 15.09.2021 by dispose petitioner representation dated 20.09.2021 within the time stipulated by this Court.

For Petitioner : Mr.D.Selvanayagam

For Respondents : Mr.M.Ramesh
Government Advocate

ORDER

An order of suspension dated 15.09.2021 has been issued by the respondent under Rule 17(e) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules.

2. The petitioner was working as Sub Registrar (Inspection Cell), Office of the Deputy Registrar of Cooperative Societies, Tiruchendur on account of certain serious irregularities, which were pointed out during the inspection conducted under Section 83 of the Tamil Nadu Cooperative Societies Act, 1983 regarding 100% verification of jewel loan in T.C.26 Kurumbur Primary Agricultural Cooperative Credit Society Ltd., the petitioner was placed under suspension.



3. The learned counsel for the petitioner made a submission that the petitioner being an inspection cell authority is no way connected with the irregularity. However, this Court is of the opinion that the cooperative Sub Registrar Inspection Cell is duty bound to verify the genuineness and the correctness of the jewel loans granted by the cooperative societies. When the inspection cell authorities have allegedly involved in certain laches and irregularities, they are amenable to departmental disciplinary proceedings under the relevant rules. All other grounds raised by the petitioner on merits cannot be adjudicated in the present writ petition, as the petitioner has to place such materials before the disciplinary authority for the purpose of establishing his innocence or otherwise. Contrarily the High Court in a writ proceedings cannot conduct such a roving enquiry when the charge memo itself is yet to be issued to the writ petitioner.

4. The petitioner during the relevant point of time was working as Cooperative Sub Registrar (Inspection Cell) and the allegations are that he has not conducted 100% verification of jewels resulted in irregularities in grant of jewel loans by the cooperative societies. Undoubtedly the allegations are very serious in nature. Thus, the competent authorities placed the writ petitioner under suspension and initiated departmental disciplinary proceedings. The competent authorities on initiation of departmental disciplinary proceedings ensured that the charge memo has been framed as expeditiously as possible and the disciplinary proceedings are concluded at the earliest possible. Prolongation of departmental disciplinary proceedings are not desirable and long pendency would cause prejudice to the interest of the employees also. Thus, if an employee is placed under suspension, then the authorities competent are expected to be vigilant in proceeding with the departmental disciplinary proceedings and conclude the same as expeditiously as possible. As far as the impugned suspension order is concerned, the petitioner is placed under suspension on 15.09.2021 and hardly six months is over.

5. Thus, this Court is not inclined to interfere with the order of suspension. However, the respondents are bound to continue the departmental disciplinary proceedings and conclude the same without causing any undue delay. Accordingly the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar

/TRUE COPY/

/ /2022
Sub Assistant Registrar(CS)



To

1.The Joint Registrar (FAC)
Cooperative Societies Department
Thoothukudi Region
Thoothukudi District.

2.The Deputy Registrar
Cooperative Societies department
Thiruchendur
Thoothukudi District.

+1 CC to M/s.SPL GP (SR-13540[F] dated 22/03/2022)

W.P. (MD) No.21801 of 2021
21.03.2022

MK/28.03.2022/3P/4C