



W.P(MD)No.25628 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25628 of 2022

and

W.M.P.(MD)No.19718 of 2022

Krishnamoorthy

... Petitioner

Vs.

1.The Deputy Registrar,
Office of the Deputy Registrar of Co-operative Societies,
Thenkarai,
Periakulam,
Theni District.

2.A 1171 Allinagaram Primary Agricultural
Cooperative Credit Society by its
President, Allinagaram,
Theni.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records from the 2nd respondent pertaining to the impugned order of suspension passed by the 2nd respondent dated 28.10.2022 and quash the same as illegal.

For Petitioner : Mr.R.Saravanan

For Respondent : Mr.M.Senthil Ayyanar
Government Advocate



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ORDER

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Heard the learned counsel on either side.

2. The petitioner is holding the substantive post of Senior Clerk in the second respondent Society. He is also holding the post of Additional Charge of Secretary. By the impugned order, he has been suspended from service.

3. The petitioner's counsel challenges the impugned order on the ground that it is not in consonance with the circular issued by the Registrar of Co-operative Society vide Na.Ka.No.17933/2013/ தொவேசு 1(1), dated 09.02.2016.

4. I went through the contents of the said circular. It indicates that without getting clearance from the competent authority, the Secretary or President of the Co-operative Society should not arbitrarily suspend any employee.

5. In response to the contentions of the petitioner's counsel, the learned Government Advocate appearing for the respondents pointed out that on 27.09.2022, the Deputy Registrar of Co-operative Societies, Periyakulam sent a



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communication to the second respondent calling for action to be taken against one Chandra.

6. The learned Government Advocate submitted that the impugned suspension order has been issued in contemplation of initiating enquiry and pursuant to the aforesaid direction.

7. I am satisfied that the second respondent has not acted arbitrarily. The mandate set out in the aforesaid circular relied on by the petitioner has been fulfilled in this case. Of-course, the learned Government Advocate also raised yet another contention that in view of the decision of the Hon'ble Division Bench made in W.A.(MD)No.431 of 2011 (P.Manimaran Vs. The Joint Registrar and another), dated 29.04.2022, the writ petition itself is not maintainable.

8. I am satisfied that the writ petition has to fail both on merits as well as on maintainability. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

02.12.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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