



WEB COPY



W.P.No.9045 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23.03.2023

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.9045 of 2023
and WMP No.9174 of 2023

E.Pannerselvam

... Petitioner

Vs

The Deputy Registrar,
Dairying Full Addl. Charge,
Ariyalur, Ariyalur District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records of the order of suspension passed by the respondent in Na.Ka.No.346/2022/E dated 13.02.2023 quash the same.

For Petitioner : Mr.M.S.Palanisamy

For Respondent : Mr.K.V.Sajeev Kumar
Special Government Pleader

ORDER

Mr.K.V.Sajeev Kumar, learned Special Government Pleader accepts notice for the respondent and is armed with requisite instructions to enable this Court to dispose the matter finally, even at the stage of admission.



W.P.No.9045 of 2023

2. The petitioner was the President of R.829 Ariyalur Milk Production Cooperative Society Ltd. and challenges an order of suspension dated 13.02.2023. The case of the petitioner is as follows:

i) Proceedings have been taken for levy of surcharge on the employees and they have remitted the amounts demanded. Hence, there is no justification for the present suspension.

ii) No proceedings have been taken as against the petitioner and other office bearers, such notices calling for reply, prior to the passing of the impugned orders and there is no justification for the suspension, even on this score.

3. A specific question was posed to learned counsel for the petitioner as to whether there have been any proceedings for surcharge prior to the impugned order, to which the answer was categorically in the negative, as, since the demands had been recovered from the employees, there is no necessity for any surcharge proceedings to have been initiated as against the petitioner.

4. Per contra, Mr.Sajeev would cry foul circulating a copy of the surcharge order passed as against the petitioner in proceedings No.1 of 2022 dated 09.02.2023 under Section 87 of the Tamil Nadu Cooperative Societies Act, 1983.



W.P.No.9045 of 2023

5. This order has been consciously suppressed not just in the affidavit filed in support of the Writ Petition, but even in the course of hearing, despite a specific query being put to learned counsel on record for the petitioner. Thus, the petitioner has come to Court with unclean hands, is put to terms and will remit a sum of Rs.25,000/-, to the Cancer Institute, Adayar, Chennai within two weeks from date of receipt of this order.

6.This Writ Petition is dismissed with costs. Connected Miscellaneous Petition is also dismissed.

23.03.2023

Index : Yes / No
Speaking/non-speaking Order
Neutral Citation : Yes/No
sl

To

The Deputy Registrar,
Dairying Full Addl. Charge,
Ariyalur, Ariyalur District.



WEB COPY



W.P.No.9045 of 2023

Dr.ANITA SUMANTH,J.

SI

W.P.No.9045 of 2023
and WMP No.9174 of 2023

23.03.2023