



Writ Petition No.5695 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

Writ Petition No.5695 of 2015

and

M.P.No.1 of 2015

D.Gurumurthy

... Petitioner

Vs

The Joint Registrar,
Co-operative Societies,
Erode Division,
Erode.

... Respondent

Prayer: Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to reinstate the petitioner into service based on the final order passed by Special Officer dated 06.08.2007 with all consequential service and monetary benefits by considering the petitioner representation dated 24.04.2023.

For Petitioner : Mr.Ma.P.Thangavel

For Respondent : Mr.A.M.Ayyadurai

Government Advocate



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ORDER

This Writ Petition is filed seeking for reinstatement of the petitioner into service basing on the final orders passed by Special Officer dated 06.08.2007 with consequential service and monetary benefits by considering the petitioner's representation dated 24.04.2013.

2. The petitioner belongs to Backward class community and studied up to 10th standard. He was appointed as Salesman, through Employment Exchange, in Barkur Primary Agricultural Cooperative Bank Limited, Barkur, Erode District in the year 1986 and his services were regularized in the year 1989.

3. On 30.11.2005, petitioner was suspended from service on the allegation that the petitioner has opened fair price shop during the Holiday. He was given charge memo on 05.12.2005 for which the petitioner has submitted a detailed reply on 17.12.2005, having not satisfied with the reply disciplinary proceedings were initiated against the petitioner, enquiry was conducted and as per the report of Enquiry Officer, Special Officer of



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20.01.2009 or on any other day to the respondent and that the necessary parties have not impleaded in the Writ Petition thereby the relief sought for against the respondent can not be granted.

6. Heard both sides and perused the materials placed on record. Learned counsel for the petitioner has filed document to show that the representation dated 24.04.2013 has been submitted to the respondent and copy of the postal acknowledgement is also produced before this Court. Thereby it is clear that respondent even after receiving the representation from the petitioner on 24.4.2013 has failed to consider the same. The respondent being Superior Officer to the petitioner is expected to reply the representation of the petitioner in any manner by following the procedures known to law.

7. Considering the above, on hearing both sides and after careful perusal of the records, this Court is inclined to dispose of this Writ Petition directing the respondent to consider the representation of the petitioner dated 24.04.2013 and dispose of the same as quickly as possible, not later than four weeks from the date of receipt of copy of this order, by following



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the procedure as per law on merits.

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8. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

19.10.2023

Speaking (or) Non Speaking Order

Index : Yes/ No

Internet : Yes

jai

To

The Joint Registrar,
Co-operative Societies,
Erode Division,
Erode.



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Dr.D.NAGARJUN, J.

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