



W.P.(MD)No.455 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.01.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD) No.455 of 2023

and

W.M.P.(MD) Nos.422, 423 of 2023

S.Murugavel

... Petitioner

Vs.

1.The Joint Registrar of Co-operative Society,
Theni Region, Theni.

2.The Deputy Registrar of Co-operative Society,
Uthamapalayam Range,
Uthamapalayam,
Theni District.

3.The President,
M.P.80 Gopalanayakkanpatti Primary Agricultural,
Co-operative Credit Society,
Sukkangalpatti,
Uthamapalayam Taluk,
Theni District.

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order of suspension passed by the third respondent in his proceedings Nil, dated 24.03.2022 and quash the same as illegal.

For Petitioner : Mr.C.Mayilvahana Rajendran
For R1 & R2 : Mr.S.R.A.Ramachandran
Additional Government Pleader



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ORDER

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This Writ Petition has been filed challenging the order of suspension passed by the third respondent dated 24.03.2022 and to quash the same.

2. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that he was appointed as Salesman in the ration shop at Sukkangalpatti on 10.06.1991 and he joined duty on 26.06.1991 and his service was regularised on 07.05.2007 by the first respondent. Thereafter, he was promoted as Clerk by the third respondent on 27.05.2020. He was given additional in-charge of ration shops viz., Gopalanayakkanpatti and Sukkangalpatti. The Secretary of the Society viz., Murugarajan was maintaining the locker, loan register and other records. The said Murugarajan has committed irregularities in the jewel loan and hence, an enquiry was conducted and he admitted his guilt. Thereafter, a case in Crime No.9 of 2018 was registered against him and he was arrested and released on bail and thereafter he was suspended from service. In the circumstances, the third respondent has issued the impugned order of suspension against the petitioner on 24.03.2022. Challenging the same, the present writ petition has been filed.



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4. The learned counsel appearing for the petitioner would submit that though the petitioner was suspended on 24.03.2022, enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, was not completed and no final order was passed and keeping the petitioner under prolonged suspension which is not sustainable one. Hence, he prayed for allowing this writ petition.

5. The learned Additional Government Pleader appearing for the respondents would submit that enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 will be completed within a reasonable time as fixed by this Court and thereafter appropriate order will be passed, considering the petitioner's representation, dated 23.08.2022.

6. Heard Mr.C.Mayilvahan Rajendran, learned counsel for the petitioner and Mr.S.R.A.Ramachandran, learned Additional Government Pleader, who takes notice for respondent 1 and 2.

7. Since no adverse order is going to be passed as against the third respondent, notice to the third respondent is dispensed with.

8. In view of the above, this Court, without going into the merits of the matter, directs the second respondent to conclude the enquiry under Section 81



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of the Tamil Nadu Co-operative Societies Act, 1983 within a period of twelve weeks from the date of receipt of a copy of this order and pass appropriate orders within a period of four weeks thereafter, by considering the petitioner's representation dated 14.07.2022.

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

09.01.2023

Index : Yes/No
Internet : Yes/No
akv

To

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M.DHANDAPANI, J.

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Order made in
W.P.(MD) No.455 of 2023

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