



W.P(MD)No.24902 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2023

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.24902 of 2023

and

W.M.P(MD)No.21075 of 2023

V.Shanmugasundaram

... Petitioner

Vs.

1.The Deputy Registrar of Co-operative Societies,
Srivilliputhur Circle @ Srivilliputtur,
Virudhunagar District.

2.The President,
Sp-Spl.69, Kollapatti Primary Agricultural-
Co-operative Credit Society,
Chinna Kollapatti, Sattur Taluk,
Virudhunagar District.

3.S.Sathyamoorthy

4.Muthukrishnan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records from the 2nd respondent in his proceedings dated 26.09.2023 and quash the same and consequently direct the respondents to reinstate the petitioner into service with continuity of service and applicable monetary benefits.



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For Petitioner : Mr.N.Sathish Babu
For R1 : Mr.S.Shaji Bino
Special Government Pleader
For R2 : No Appearance
For R3 & R4 : M/s.S.Prabha

ORDER

The present writ petition has been filed by a Salesman in a Fair Price Shop run by the respondent Co-operative Society challenging an order of suspension.

2. The petitioner is a Salesman in a Fair Price Shop and his wife is a Government Servant. The allegation as against the writ petitioner is that suppressing the said facts, the petitioner has obtained false Income Certificate from the Revenue Divisional Officer and he has presented the same in order to get scholarship for his son from the Government. On the said allegations, the petitioner was placed under suspension under the impugned order, dated 26.09.2023.

3. According to the learned counsel appearing for the writ petitioner, on 23.06.2023, he has surrendered the said income certificate



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to the Tahsildar, Sattur for cancellation. On the same day, Tahsildar, Sattur has passed an order recommending cancellation of the Income Certificate to Revenue Divisional Officer. However, Revenue Divisional Officer is yet to pass orders. Since, the Revenue Divisional Officer is yet to pass orders, on 09.08.2023, the scholarship amount has been credited to the bank account of the petitioner's son. Therefore, the allegation of the respondents that despite surrendering of the income Certificate, the petitioner continues to receive the scholarship is not factually correct. Hence, he prayed for quashing the order of suspension.

4. Per contra, the learned counsel appearing for the respondents herein had contended that the petitioner has suppressed the fact that his wife is a Government servant and has approached the revenue officials and has received a false Income Certificate and therefore, he was rightly placed under suspension by the respondent authorities. Only after a memo was issued to the writ petitioner on 05.09.2023, the petitioner has chosen to surrender the Income Certificate.

5. I have carefully considered the submissions and perused the materials.



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6. Considering the fact that the petitioner has already surrendered the Income Certificate, and the concerned Tahsildar has recommended for cancellation of the said certificate, this Court is of the view that the suspension of the petitioner may not be continued. The order impugned in the writ petition is hereby set aside. However, the respondents are at liberty to proceed with the disciplinary proceedings in accordance with law.

7. With the said observations, this Writ Petition stands allowed. No costs.

10.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

The Deputy Registrar of Co-operative Societies,
Srivilliputhur Circle @ Srivilliputtur,
Virudhunagar District.

R.VIJAYAKUMAR,J.



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