



W.P(MD)No.25258 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2023

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.25258 of 2023

and

W.M.P(MD)Nos.21445,21446 & 23094 of 2023

S.Anilkumar

... Petitioner

Vs.

- 1.The Joint Registrar of Co-operative Societies,
Madurai Region,
Ground Floor,
TPK Road,
Near Palanganatham Roundana,
Madurai-625 003.
- 2.The Deputy Registrar of Co-operative Societies,
Usilampatti Circle,
No.23/4 Rajaram 11th Street,
Jawahar Nagar,
Tirumangalam-625 706,
Madurai.
- 3.The Sub-Registrar of Co-operative Societies/
Managing Director,
M.U 8 Usilampatti Taluk Agricultural Producers
Co-operative Marketing Society Ltd.,
Usilampatti, Madurai.
- 4.The Secretary / General Manager,
M.U 8 Usilampatti Taluk Agricultural Producers
Co-operative Marketing Society Ltd.,
Usilampatti, Madurai.



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5.T.Sundarapandi

6.Murugan

... 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 pertaining to the impugned order in Na.Ka.No. 4/2023/PaTho, dated 06.10.2023 and consequently the impugned order in Na.Ka.No.4/2023/PaTho, dated 10.10.2023 on the file of the respondent no.3 and quash the same as illegal and consequently for a direction, directing the respondent no.3 to reinstate the petitioner in the post of Salesman Assistant in the M.U 8 Usilampatti Taluk Agricultural Producers Cooperative Marketing Society Ltd, Usilampatti, Madurai within a period stipulated time by this Court.

For Petitioner : Mr.G.Karthik
for M/s.Lajapathi Roy and Associates

For R1 - R4 : Mr.T.Villavan Kothai
Additional Government Pleader

For R5 : Mr.B.Chakkravarthi

ORDER

The present writ petition has been filed by a Salesman in a Co-operative Society, challenging the order of suspension and a charge memo issued upon him.



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2. According to the writ petitioner, some news were published in magazine relating to the alleged illegal activities of the Secretary of the Society. Though he was not connected with the said publications, on the allegation that he was responsible for the said publications, he was placed under suspension on 06.10.2023 and a charge memo was issued upon him on 10.10.2023.

3. According to the learned counsel appearing for the writ petitioner, the charges are motivated in order to help the Secretary of the Society, who is said to have allegedly involved in various illegal activities. Hence, he had prayed for quashing the order of suspension and the consequential charge memo.

4. Per contra, the learned Additional Government Pleader appearing for the respondents pointed out that in view of the publications made in various magazines, the Secretary of the Society has also been placed under suspension on 21.10.2023 and a charge memo has been issued on the said date. Therefore, the contention of the writ petitioner that the suspension and the charge memo as against him are motivated is not factually correct.



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5. I have carefully considered the submissions made on either side and perused the records.

6. A perusal of the suspension order and the charge memo would indicate that the petitioner is alleged to have given information to various magazines with regard to the General Manager and the Secretary of the Society alleging that they are involved in illegal activities. According to the respondents, this is in violation of the conduct rules of the petitioner. When the petitioner is not able to point out that the charges are vague or motivated, this Court is not inclined to quash the charge memo. Further, it could be seen from the submission of the learned Additional Government Pleader for the respondents, the Secretary of the Society has already been suspended and a charge memo has also been issued. Therefore, the contention of the writ petitioner that the charges are motivated in order to protect the Secretary of the Society are not legally sustainable. The action of the respondent Society in placing the petitioner under suspension in contemplation of an enquiry cannot be found fault with.



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7. It is the contention of the learned counsel for the petitioner that the documents that are cited in the charge memo have not been furnished to the writ petitioner. But an Enquiry Officer has already been appointed. The respondents are directed to furnish a copy of the documents that are mentioned in the charge memo on or before **30.11.2023**. The petitioner is directed to submit his explanation on or before **15.12.2023**.

8. In view of the above said facts, this Court does not find any merit in the writ petition. Hence, this writ petition stands dismissed. However, the respondents are directed to strictly follow G.O.Ms.No.81 Human Resources Management (N) Department, dated 04.08.2022 in concluding the departmental enquiry. No costs. Consequently, connected Miscellaneous Petitions are closed.

08.11.2023

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

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R.VIJAYAKUMAR,J.

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Order made in
W.P(MD)No.25258 of 2023

Dated:
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