



W.P(MD)No.26694 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2023

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.26694 of 2023

and

W.M.P(MD)Nos.22958,22959 & 22961 of 2023

P.Vijayalakshmi

... Petitioner

Vs.

1.The Deputy Registrar / Managing Director,
R.S.837, Sivagangai District Consumer
Co-operative Wholesale Store Limited,
Sivagangai,
Sivagangai District.

2.The Managing Director,
Sivagangai District Co-operative Milk
Producers Union,
Karaikudi,
Sivagangai District.

3.The General Manager,
R.S.837, Sivagangai District Consumer
Co-operative Wholesale Store Limited,
Sivagangai,
Sivagangai District.

... 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 suspension order in ந.க.எண்.175/2020 ஆவின் dated 30.06.2021 issued by the 1st respondent and the consequential impugned Charge Memo in ந.க.எண்.175/2020



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ஆவின், dated 20.09.2021 issued by the 1st respondent and quash the same as unlawful, unconstitutional and arbitrary and consequently direct the 1st respondent to reinstate the petitioner in Service with all consequential benefits such as continuity of service, full back wages and other attendant benefits.

For Petitioner : Mr.R.Murugan

For R1 : Mr.P.Mahendran
Standing Counsel

For R2 & R3 : Mr.J.Ashok
Additional Government Pleader

ORDER

The present writ petition has been filed by a Sales Woman in a Co-operative society challenging an order of suspension in contemplation of an enquiry and a charge memo.

2. The writ petitioner was appointed on a compassionate ground as a Sales Woman on 26.06.2019 and she was placed under suspension on 30.06.2021 on the allegation of misappropriation. A charge memo was issued to the writ petitioner on 20.09.2021. This order of suspension and the charge memo are under challenge in the present writ petition.

3. The petitioner has offered her explanation on 19.07.2023. The petitioner has challenged the order of suspension on the ground that it is a prolonged order of suspension for the past 2 years which is operating as



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against the writ petitioner. Further, the learned counsel appearing for the petitioner has contended that the charges are very vague in nature and the petitioner is not at all involved in such delinquency. He had further contended that the charge memo is not supported by any documents.

4. Per contra, the learned counsel appearing for the Co-operative Society had contended that whatever documents that were sought for by the petitioner, the Society has permitted the petitioner to peruse the documents.

5. However, the learned counsel appearing for the writ petitioner objects the said submission and he contends that the petitioner has not been permitted to peruse the documents which are connected with the charge memo.

6. Considering the seriousness of the charges against the petitioner and the petitioner has not raised any objection with regard to the vagueness of the charge memo or the jurisdiction of the authority who issued the charge memo, this Court is not inclined to set aside the charge memo. That apart, the order of suspension is subsisting for the past 2 years, only because of the fact that the petitioner has not chosen to file her explanation for the past 2 years.



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7. In the light of the above said facts, the respondent Co-operative Society is directed to permit the petitioner to peruse the documents which are relevant and connected with the charge memo within a period of 10 (Ten) days from the date of receipt of copy of this order and submit her explanation within a period of fifteen (15) days thereafter. After the petitioner has submitted her explanation, the respondent Co-operative Society is directed to proceed with the enquiry and complete the same within a period of six (6) months thereafter. The payment of subsistence allowance shall be dependent upon the orders passed by the statutory authorities.

8. With the said observations, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

07.11.2023

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.26694 of 2023

Dated:
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