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W.P.No.7392 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.7392 of 2024

and

W.M.P.Nos.8295 to 8297 of 2024

S.Uma Maheshwari

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Petitioner

Vs

1. The Registrar of Co-operative Societies,
No.170, NVN Maligai,
Kilpauk, Chennai – 10.

2. The Joint Registrar of Co-operative Societies,
Cuddalore Region,
Cuddalore.

3. The Cuddalore District Central Co-operative Bank,
Rep. by its Joint Registrar/Administrator,
Beach Road, Cuddalore – 607 001.

4. N.Dhilip Kumar,
Administrator,
The Cuddalore District Central Co-operative Bank,
Rep. by its Joint Registrar/Administrator,
Beach Road, Cuddalore – 607 001.

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Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the order of suspension passed by the 3rd respondent in Na.Ka.No. 2231/ 2021-



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22/ ma.me dated 9.11.2023 and consequential extending the order of suspension in Na.Ka.No. 1037/ 2023-24 /p dated 8.02.2024 and appointment of enquiry officer in Na.Ka.No. 1037/ 2023- 24/ p dated .02.2024 signed on 26.02.2024 quash the same and forbear the 3rd respondent from continuing the disciplinary proceeding against the petitioner pursuant to the charge memo in Na.Ka.No. 1037/2023- 24/ p 20.12.2023.

For Petitioner	: Mr.M.S.Palaniswamy
For R1 & R2	: Mr.S.Ravikumar Special Government Pleader
For R3	: Mr.M.Shajahan Special Government Pleader
For R4	: Mr.P.Kannan Kumar

ORDER

This Writ Petition has been filed challenging the order of suspension passed by the third respondent dated 09.11.2023 and consequential extension order of suspension dated 08.02.2024 and also challenging the order of appointment of enquiry officer dated 26.02.2024.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner was appointed as a Clerk at Nalathur Primary Agricultural Cooperative Credit Society. She was deputed to work as Assistant



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in the third respondent Bank. Thereafter, her service was absorbed by the third respondent. While she was working as Assistant, the third respondent transferred the petitioner from Manjakuppam Branch to Head Office and posted her at account section. Once again, she was transferred from Head Office to Semmandalam Branch. At that juncture, the third respondent cancelled the order of transfer and directed the petitioner to work as Assistant in the Head Office until further orders. The petitioner lodged a complaint against the fourth respondent before the Sub Inspector of Police, New Nagar Police Station. Immediately, the petitioner was suspended from service by an order dated 09.11.2023 by invoking clause 19 Explanation 3 of the Special Bye-law for a period of three months. Subsequently, the suspension was extended and an Enquiry Officer was also appointed to conduct disciplinary proceedings.

4. The learned counsel appearing for the petitioner would submit that only on the complaint lodged by the petitioner, now she was suspended from service. That apart, no documents were served to the petitioner to submit her explanation. The suspension has to be passed only under Clause 19 of the Bylaws that too on the ground that an enquiry into grave charges against her is contemplated or pending or a complaint against her of any criminal offence is



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under investigation or trial and if such suspension is necessary in the public interest or in the interest of the Bank. Therefore, the order of suspension cannot be sustained. Further the respondents failed to pay any subsistence allowance so far. Without paying subsistence allowance, the order of suspension was extended without any valid reasons. The third respondent failed to furnish any copy of the documents referred to the charge memo. In fact, the petitioner was not even served with any charge memo and even then, the third respondent has appointed an enquiry officer to conduct enquiry.

5. A perusal of the records reveals that the petitioner was suspended from service on 09.11.2023. Consequent to the order of suspension, the petitioner was served with a charge memo dated 20.12.2023. It has been challenged before this Court in W.P.No.18942 of 2023 and this Court, by an order dated 27.06.2023, restraining the third respondent from proceeding with the domestic enquiry. When that being so, now once again the petitioner filed this writ petition for appointment of enquiry officer as against the order of suspension on the ground that the petitioner was not served with any document. Therefore, the petitioner was not able to submit her explanation. Once again the petitioner challenged the charge memo as the disciplinary authority was



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restraining from proceeding with the domestic enquiry, the petitioner cannot challenge the appointment of enquiry officer subsequently. However, the petitioner was served with a charge memo consisting of five charges. There are various allegations as against the petitioner. Therefore, the order of suspension was extended for further period. Hence, this Court finds no infirmity or illegality in the order of suspension. Insofar as the subsistence allowance is concerned, the respondents are directed to pay subsistence allowance till the order of suspension due to the petitioner at the earliest.

6. In view of the above, this Writ Petition stands dismissed. It is also needless to say that the petitioner is entitled for documents which was annexed to the charge memo. Therefore the respondents are directed to furnish the documents which were annexed to the charge memo to the petitioner. Consequently, connected miscellaneous petitions are closed. No costs.

19.03.2024

Internet: Yes/No
Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
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