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W.P.No.21112 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2024

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.21112 of 2024

and

W.M.P.No.23042 of 2024

P.Kothandapani

.... Petitioner

Vs

1. The Secretary to Government
Cooperation, Food and Consumer Protection Department,
Fort St.George,
Chennai-600 009

2. The Additional Registrar of Coop. Societies,
(Sales Scheme and Development)
O/O.Registrar of Coop. Societies,
Kilpauk, Chennai-600 010.

3. The Chairman
Common Cadre Authority /
Joint Registrar of Coop. Societies,
Tanjore Region, Tanjore.

4. The Adminstrator,
T.1030, Thamarankottai Primary
Agricultural Cooperative Credit Society,
Thamarankottai, Tanjore District. Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned G.O. issued by the 1st respondent in



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G.O.(D) No.211, Cooperation Food and Consumer Protection (CN2) Department, dated 14.12.2018 in so far relate to no work no pay and quash the same and consequently direct the respondents to disburse arrears of the salary for the period from date of suspension 17.10.2007 to reinstatement date 23.01.2019 together with interest to the petitioner.

For Petitioner : Mr.C.Prakasam

For R1 to R3 : Mr.E.Vijaya Anand
Additional Government Pleader

For R4 : Mr.G.Velu
Government Advocate

ORDER

This Writ Petition has been filed challenging the impugned Government Order issued by the first respondent in G.O.(D) No.211, Cooperation Food and Consumer Protection (CN2) Department, dated 14.12.2018 in so far relates to no work no pay.

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

3. The petitioner was appointed on 04.12.1978 as Salesman in the fourth respondent Society. Thereafter, he was promoted to the post of Clerk and Accountant. Finally, he was promoted to the post of



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Secretary. While being so, he was suspended from service on 17.10.2007 on the charge that the shortage of closing balance to the tune of Rs.1,95,129/-. Pursuant to the said charge, the Disciplinary Authority, viz., the third respondent terminated the petitioner from service by an order dated 27.02.2009. Aggrieved by the same, the petitioner preferred a revision as contemplated under Section 153 of Tamil Nadu Cooperative Societies Act before the second respondent and the same was rejected by the second respondent by an order dated 10.08.2010. Once again, the petitioner filed another revision before the first respondent and the same was partly allowed, thereby modified the punishment of termination as compulsory retirement by an order dated 21.12.2012.

4. It was challenged before this Court in W.P.No.11055 of 2013. As directed by this Court, the first respondent once again modified the punishment from compulsory retirement to reinstate the petitioner into service in the lower stage of time scale last drawn and there is no work no pay from the date of termination to reinstatement. After having been accepted the said order, the petitioner had joined the service in the lower stage. He attained the age of superannuation and retired from service on 31.03.2019. Now the petitioner challenged the order dated



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14.12.2018 in so far as related to no work no pay that too after a period of six years. Once the petitioner accepted the said order and joined the service. If at all any grievance over the order, immediately the petitioner ought to have been challenged the same.

5. In view of the above, this Court finds no infirmity or illegality in the impugned Government Order issued by the first respondent in G.O.(D) No.211, Cooperation Food and Consumer Protection (CN2) Department, dated 14.12.2018. Hence, this writ petition is devoid of merits and is liable to be dismissed.

6. Accordingly, this Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

26.07.2024

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
Lpp

To



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