



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2024

CORAM

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.25980 of 2021

M.Jagadheesan

... Petitioner

Vs

1.The Joint Registrar of Co-operative Societies,
Namakkal Region,
Namakkal.

2.The Deputy Registrar of Co-operative Societies,
Namakkal Circle,
District Collector Office Complex,
Namakkal.

3.The President,
S.1286, R.Pudupalayam Primary Agricultural
Credit Co-operative Society,
R.Pudupalayam,
Namakkal District.

4.The Secretary,
S.1286, R.Pudupalayam Primary Agricultural
Credit Co-operative Society,
R.Pudupalayam,
Namakkal District.

... Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Writ of Mandamus directing the 3rd respondent to regularize the service period of the petitioner from 07.11.2020 to 18.02.2021 as a clerk with service benefits and other benefits entitled to the petitioner by considering the petitioner's representation dated 22.03.2021.

For Petitioner : Mr.A.V.Raja

For Respondents : Mr.G.Krishnaraja
Additional Government Pleader

ORDER

The writ petition is filed seeking a Writ of Mandamus directing the 3rd respondent to regularize the suspension period of the petitioner from 07.11.2020 to 18.02.2021, during which the petitioner was placed under suspension by considering the petitioner's representation dated 22.03.2021.

2. The petitioner herein while working as a clerk in the respondent's society was placed under suspension by an order dated 07.11.2020 and thereafter charge memo was issued on 14.12.2020, thereby, the disciplinary proceedings initiated against the petitioner.

3. During pendency of the disciplinary proceedings, the petitioner was reinstated by an order dated 22.02.2021 and the petitioner continued to



work in the respondent's society since then. However, the disciplinary proceedings that were initiated by issuing a charge memo dated 14.12.2020 are not concluded as on date. As submitted the learned counsel for the petitioner, the disciplinary proceedings that were initiated against the petitioner are still pending, the question of regularizing the period of suspension does not arise. It is only on completion of the disciplinary proceedings, as to how the period of suspension is to be treated, can be decided by the competent authority. Hence, the prayer sought for in this writ petition cannot be granted due to the pendency of the disciplinary proceedings.

4. However, taking into consideration the fact that the disciplinary proceedings initiated as early as on 14.12.2020 are said to be still pending till date, this Court is of the considered view that it would be appropriate to direct the 3rd respondent who issued a charge memo to conclude the disciplinary proceedings as expeditiously as possible at any rate within a period of three months from the date of receipt of a copy of this order.

5. The submission of the learned counsel for the petitioner that the petitioner was not paid subsistence allowance for the period of suspension



i.e., 07.11.2020 to 22.02.2021 is concerned, the right of the petitioner to draw the subsistence allowance for the period of suspension cannot be denied.

6. In the light of the above, this writ petition is disposed of directing the 3rd respondent to dispose of the disciplinary proceedings that was initiated by issuing the charge memo dated 14.12.2020 as expeditiously as possible at any rate within a period of three months from the date of receipt of a copy of this order. The 3rd respondent is further directed to pay the subsistence allowance in terms of the rules for the period of suspension of the petitioner from 07.11.2020 to 22.02.2021 within a period of six weeks from today, if the same is not already paid. There shall be no order as to costs.

13.06.2024

Index : Yes/No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
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To

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Namakkal Region,



Namakkal.

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MUMMINENI SUDHEER KUMAR. J.,

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