



W.P.No.28114 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.28114 of 2024

S.Arumugam

.. Petitioner

Vs.

1.The Registrar,
Co-Operative Societies,
N.V.Natarajan Maligai,
No.170, E.V.R. Periyar High Road,
Kilpaukkam, Chennai – 600 010.

2.The Joint Registrar,
Cooperative Society,
Coimbatore Region,
Coimbatore.

3.The Deputy Registrar,
Cooperative Society,
Pollachi Circle, Pollachi.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent authority to reinstate the petitioner and post him in the non-sensitive post by disposing of his representation dated 12.08.2024 within the time framed stipulated by this Court.



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For petitioner : Mr.M.Sudhan

For Respondents : Mr.P.Ganesan
Government Advocate

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the 2nd respondent to reinstate the petitioner and post him in a non-sensitive post by considering the representation of the petitioner dated 12.08.2024.

2.Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

3.The case of the petitioner is that he joined the services on 17.12.2012 as Senior Inspector under the 3rd respondent society. A criminal case came to be registered in Crime No.8 of 2021 and the petitioner was made as an accused. The petitioner was arrested and remanded to judicial custody. As a result, an order of suspension came to be passed by the 2nd respondent on 20.02.2021.

4.The petitioner submitted a representation dated 04.01.2022 and subsequent representations requesting for reinstatement into service.



Since, the same was not considered, the petitioner filed an earlier writ petition in W.P.No.22233 of 2022 and the same was disposed of by this Court by order dated 30.08.2022 by issuing certain directions. Pursuant to the above order, the request made by the petitioner was rejected which once again became a subject matter of challenge in W.P.No.7508 of 2023 and the said writ petition is pending.

5.The grievance of the petitioner is that the suspension is continuing for nearly 4 years and the same has not been revived. The further case of the petitioner is that the investigation has been completed and a final report has already been filed before the concerned Court as per the counter affidavit filed by the V&AC in W.P.No.7508 of 2023. In the light of the change in circumstances, the petitioner once again gave representation requesting for reinstatement and posting him in a non-sensitive post. Since, the same was not considered, the present writ petition has been filed before this Court.

6.Taking into consideration the facts and circumstances of the case and also considering the fact that the suspension of the petitioner had been continued for four long years and the investigation has already been



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completed and police report has been filed, there shall be a direction to the 2nd respondent to deal with the representation made by the petitioner on 12.08.2024 on its own merits and in accordance with law. The 2nd respondent shall consider posting the petitioner in some non-sensitive post. Ultimately, the petitioner must earn salary by doing some work since the money belongs to public exchequer. A decision shall be taken in this regard within a period of four (4) weeks from the date of receipt of a copy of this order.

7.In the result, his Writ Petition is disposed of with the above directions. No costs.

27.09.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No



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To

- 1.The Registrar,
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N.ANAND VENKATESH, J.

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