



WP(MD)No.484 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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M.Shajahan

.. Petitioner

v.

1.The President,
O.2009 Govindaperi Primary Agriculture Credit Society,
Rawanasamudram,
Tenkasi District.

2.The Deputy Registrar,
Deputy Co-operative Registrar Office,
Railway Peter Road,
Cheranmahadevi,
Tirunelveli District.

3.The Joint Registrar Co-operative Societies,
O/o.the Joint Registrar of Co-operative Societies,
Sarvanthar Street,
Palayamkottai,
Tirunelveli District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India
seeking issuance of a Writ of Mandamus directing the second respondent



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to revoke the petitioner's suspension and reinstate the petitioner in service, in the light of the judgment of the Hon'ble Supreme Court in *Ajaykumar Choudhary v. Union of India*, reported in 2015 7 SCC 291, within a stipulated time limit.

For Petitioner : Mr.P.Mohamed Suhail
For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

The petitioner is the Secretary of a Primary Agriculture Credit Society. He was suspended from service by order dated 24.09.2020 under Section 76(4) of the Tamil Nadu Co-operative Societies Act, 1983 [hereinafter referred to as 'the Act']. This order of suspension dated 24.09.2020 is challenged before this Court.

2.Learned Counsel for the petitioner, by referring to the decision rendered by the Hon'ble Supreme Court in *Ajaykumar Choudhary v. Union of India* [2015 (7) SCC 291], submitted that the suspension order



dated 24.09.2020 needs to be reviewed every six months. In this case, the suspension order dated 24.09.2020 was reviewed on 18.12.2020 and thereafter, it was not reviewed. Therefore, the suspension order needs to be set aside, in view of the ratio laid down in *Ajay Kumar*'s case. He further submitted that during the suspension period, the petitioner has not been paid with any subsistence allowance.

3.Learned Special Government Pleader for the respondents submitted that the petitioner / Secretary, along with the Clerk of the Society, has mortgaged fake jewels to the tune of Rs.9,97,000/- and caused loss to the Society. This was detected during the enquiry conducted u/s.81 of the Act, during the year 2020. The enquiry officer has submitted his report in the year 2021, based on which, a proceedings under Section 87 of the Act was contemplated as against this petitioner. The Deputy Registrar has also passed a surcharge order fixing the liability on the petitioner and one Muthuselvi, Clerk of the Society in SC.No.2/2021-2022 (RC.No. 941/2021SF), dated 20.03.2022.



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4. In this regard, a criminal case was also registered as against this petitioner and the Clerk in Crime No.2 of 2022 on 31.05.2022 and the investigation is in the crucial stage. The petitioner, being a Secretary, is the Chief Executive of the Society and not an employer and as such, he is not eligible for the subsistence allowance. He further submitted that a charge memo was also issued as against this petitioner in RC.No.4807/2020 dated 27.01.2022 and the enquiry is almost over.

5. This Court considered the rival submissions made on either side and perused the materials placed on record.

6. The grievance of the petitioner is that the suspension order dated 24.09.2020 has not been reviewed subsequently. The fact remains that the enquiry report u/s.81 of the Act has been submitted and consequent proceedings u/s.87 of the Act was also disposed of by the Deputy Registrar on 20.03.2022. The Department has also issued a charge memo to this petitioner on 27.01.2022 and the enquiry is nearing completion.



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7. In view of the above developments, this Court directs the third respondent / Joint Registrar to conclude the disciplinary proceedings as against this petitioner, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order.

Accordingly, this writ petition stands disposed of. There shall be no order as to costs.

Index : Yes / No **13.11.2024**
NCC : Yes / No
Internet : Yes
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To

1. The Deputy Registrar,
Deputy Co-operative Registrar Office,
Railway Peter Road,
Cheranmahadevi,
Tirunelveli District.
2. The Joint Registrar Co-operative Societies,
O/o. the Joint Registrar of Co-operative Societies,
Sarvanthar Street,
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B.PUGALENDHI, J.

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