



WP(MD) No.8276 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.04.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.8276 of 2024

and

W.M.P(MD)Nos.7469, 7472 & 7475 of 2024

A.B.P. Rajendran

.. Petitioner

Vs.

1. The Regional Joint Registrar of Co-Operative Societies/
Chairman of Common Cadre Service Committee,
Sivagangai Region,
Opposite to Government Ladies College,
Kangirangal,
Sivagangai District.

2. The Deputy Registrar of Co-operative Societies,
Sivagangai Circle,
Opposite to Government Ladies College,
Kangirangal, Sivagangai.

3. N.N.581, Keelapasalai Primary Agricultural Cooperative
Credit Society Rep., by its President,
Keelapasalai,
Manamadurai Taluk,
Sivagangai District.

.. Respondents



WP(MD) No.8276 of 2024

WEB COPY

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned suspension order made in Na.Ka.No.1918/2022 ThoVeSa dated 22.04.2022 passed by the 1st respondent and quash the same and consequently directing the respondents to reinstate the petitioner in service and regularize the period of suspension with all monetary benefits.

For Petitioner : Mr.P.R.Prithiviraj

For Respondents : Mr.K.S.Selvaganesh
Additional Government Pleader

ORDER

The petitioner filed this writ petition seeking to quash the impugned suspension order dated 22.04.2022 passed by the 1st respondent and to direct the respondents to reinstate the petitioner in service and regularize the period of suspension with all monetary benefits.

2. Heard Mr.P.R.Prithiviraj, learned counsel appearing for the petitioner and



WP(MD) No.8276 of 2024

WEB COPY

Mr.K.S.Selvaganesh, learned Additional Government Pleader appearing for the respondents.

3. By consent of both parties, this writ petition is taken up for final hearing at the admission stage itself.

4. Mr.P.R.Prithiviraj, learned counsel appearing for the petitioner, submitted that the petitioner was appointed as Secretary in the third respondent Society on 01.07.1990. Since his appointment, the petitioner discharged his duties as Secretary in the 3rd respondent Society to the satisfaction of his superiors. In such circumstances, by virtue of G.O.MS.No.14 Co-operation, Food and Consumer Protection (CN1) Department dated 12.02.2019 issued by the Principal Secretary to Government, Co-operation, Food and Consumer Protection (CN1) Department, all the Secretaries of Primary Agricultural Co-operative Credit Society was brought under Common Cadre Service. As per the above Government Order, all service conditions of the Secretaries of Primary Agricultural Co-operative Credit Societies come within the ambit of the 1st respondent. Be that as it may, the 1st respondent vide his proceedings dated



WP(MD) No.8276 of 2024

WEB COPY

22.04.2022 suspended the petitioner from the post of Secretary with effect from 22.04.2022 by alleging that while the petitioner was working as Secretary in the 3rd respondent Society, he failed to take recovery action to recover the jewel loan and milch animal loan and acted in connivance with the computer operator and he committed the dereliction of his official duty. He further submitted that during the suspension period, the petitioner neither issued with a charge memo nor paid any subsistence allowance as per Section 3 of the Tamilnadu Payment of Subsistence Allowances Act. Hence, he sent a representation to the 1st respondent, but so far no orders has been passed. Hence, he seeks indulgence of this Court. So, the first respondent ought to have passed an order without being indifferent of his public duty with regard to the statutory compliance of paying his subsistence allowance.

5. Hence, the 1st respondent is directed to pay the subsistence allowance to the petitioner as per Rules, without making any further delay, in the event of not paying till now.



WP(MD) No.8276 of 2024

WEB COPY

6. With the above direction, this writ petition is **disposed of**. No Costs.

Consequently, connected miscellaneous petitions are closed.

01.04.2024

Index : Yes / No
NCC : Yes / No
PJJ

To

1. The Regional Joint Registrar of Co-Operative Societies/
Chairman of Common Cadre Service Committee,
Sivagangai Region,
Opposite to Government Ladies College,
Kangirangal,
Sivagangai District.
2. The Deputy Registrar of Co-operative Societies,
Sivagangai Circle,
Opposite to Government Ladies College,
Kangirangal, Sivagangai.
3. N.N.581, Keelapasalai Primary Agricultural Cooperative
Credit Society, Rep by its President,
Keelapasalai,
Manamadurai Taluk,
Sivagangai District.



WEB COPY



WP(MD) No.8276 of 2024

R.N.MANJULA, J.

PJL

W.P.(MD)No.8276 of 2024

01.04.2024