



W.P.(MD)No.15402 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.15402 of 2024

and

W.M.P.(MD).No.13507 of 2024

Vivekanandan

... Petitioner

vs.

1.The Chairman / Joint Registrar of Cooperative Societies,
O/o.Joint Registrar of Cooperative Societies,
District Treasury Building, 1st Floor,
District Collectorate Campus,
Ramanathapuram.

2.The Deputy Registrar of Cooperative Societies,
O/o.Deputy Registrar of Cooperative Societies,
KTM Kasim Centre, 2nd Floor, Salai Street,
Ramanathapuram District.

3.The President,
N.N.181, Anjukottai Primary Agricultural
Co-Op Credit Society,
Anjukottai, Thiruvadanai,
Ramanathapuram District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned dismissal order passed by the 1st respondent vide his proceedings in Na.Ka.No.3100/2020/C1 dated 29.02.2024 which was received by the petitioner on 11.03.2024 and quash the same as illegal and consequently to direct the respondents to reinstate the petitioner as Secretary to the 3rd respondent Society with all monetary benefits and subsistence allowance up to the dismissal order dated 29.02.2024

For Petitioner : Mr.S.Sukumar
For Respondents : Mr.S.Kameshwaran,
Government Advocate

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. Heard Mr.S.Sukumar, learned counsel appearing for the petitioner and Mr.S.Kameshwaran, learned Government Advocate appearing for the respondents.

3. The petitioner has filed this Writ Petition challenging the order of punishment at the conclusion of the enquiry proceedings initiated against him on



certain charges framed against him. The petitioner has been imposed with the punishment of removal from service. Before furnishing the charge memo, the petitioner was kept under suspension and the suspension continued till the conclusion of the disciplinary proceedings and at the end of the disciplinary proceedings, he was removed from service.

4. Mr.S.Sukumar, learned counsel appearing for the petitioner submitted that the enquiry proceedings have not been conducted by complying the principles of natural justice and the petitioner has not been furnished with the essential documents which are relied by the Department for proving the charges. He further submitted that the petitioner was not paid with subsistence allowance and without subsistence allowance, if enquiry is conducted, the respondents cannot expect the petitioner to make an effective defence.

5. Mr.S.Kameshwaran, learned Government Advocate appearing for the respondents submitted that the petitioner has already filed a Writ Petition in W.P. (MD).No.6613 of 2020 and the above said Writ Petition was disposed of by this Court on 02.03.2021 and a direction was given to the respondent concerned to release the entire subsistence allowance from the date of non-payment till the date of his actual reinstatement and further directed the respondent concerned to complete the disciplinary proceedings against the petitioner as expeditiously as possible. He



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further submitted that the entire subsistence allowance has not been paid to the
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petitioner till now.

(*) "6. In view of the above, the Writ Petition is *disposed of* with a direction to the respondents to release the subsistence allowance to the petitioner till the completion of the disciplinary proceedings and the respondents are further directed to complete the disciplinary proceedings as expeditiously as possible. No costs. Consequently, the connected miscellaneous petition is closed."

Sd/-

Assistant Registrar()

(*)Corrected as per the order dated.01-08-2024 in WP(MD)No.15402 of 2024.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/08/2024

Sub Assistant Registrar
(CS-I/II/III/IV)

TSG



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(*) To be substituted to the order already despatched on 30-01-2024.

To

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Anjukottai, Thiruvadanai,
Ramanathapuram District.

+1 CC to M/s.S.SUKUMAR, Advocate (SR-34586[F] dated 15/07/2024)

+1 CC to M/s.SPL.GP (SR-34707[F] dated 15/07/2024)



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SI -(27.08.2024) 6P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023