



WP(MD) No.12623 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.12623 of 2024

and

W.M.P(MD)Nos.11236 & 11238 of 2024

A.Raja

... Petitioner

Vs.

1.The Joint Registrar

Co-Operative Societies and Food Supply Department,
Palthurai Kattida Vilagam,
Mannarpuram,
Trichy - 620 020.

2.The President

R-1641 Melakalakandarkottai Primary Agricultural Debt
Co-Operative Societies Limited,
No.3, Nagammai Street,
Melakalkandarkottai,
Trichy - 620 01.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records on the file of the 2nd respondent pertaining to its proceeding No. Nil dated 30.03.2017 and to quash the same and consequently, direct the respondents to reinstate the petitioner into service with all service and monetary benefits by considering the representation of the petitioner, dated 13.03.2023.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.K.Selva Ganesan

Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking for a Writ of Certiorarified Mandamus to quash the impugned proceeding No.Nil, dated 30.03.2017 of the 2nd respondent and consequently, direct the respondents to reinstate the petitioner into



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service with all service and monetary benefits by considering the representation of the petitioner, dated 13.03.2023.

2. Heard Mr.S.C.Herold Singh, learned counsel appearing for the petitioner and Mr.K.Selva Ganesan, learned Additional Government Pleader appearing for the respondents.

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

4. The petitioner was given with the charges in view of his involvement in a criminal case of murders. At the conclusion of the disciplinary proceedings, the petitioner has been removed from service and an order to that effect, has been passed on 13.03.2017.

5. The learned counsel for the petitioner submitted that the petitioner has been acquitted in the criminal cases pending against him and an order of acquittal vide judgment of the Sessions



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Court rendered in S.C.No.18 of 2018 dated 14.09.2022 on the file of the I Additional District and Sessions Judge, PCR Court, Trichy and vide judgment, dated 12.12.2020 rendered in S.C.No.240 of 2019 on the file of the II Additional District and Sessions Judge, Trichy.

6. The impugned order came to be passed even before conclusion of the criminal proceedings on the observations that the standard of proof required for criminal cases in the proof beyond benefit of doubt and for the disciplinary proceedings, it is preponderance of probabilities.

7. Even the petitioner did not choose to file any appeal against the impugned order, dated 13.03.2017. But the petitioner has filed this writ petition consequential to the acquittal orders got by him in the above criminal cases pending against him. However, the petitioner can try his chance by preferring an appeal before the first respondent.



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8. The learned Additional Government Pleader submitted that the time for preferring an appeal has already been lapsed and within that time, the petitioner has not chosen to prefer any appeal. However, in the interest of justice and due to change of circumstances, I feel that it is appropriate to give an opportunity to the petitioner to file an appeal before the first respondent.

9. The learned counsel for the petitioner submitted that representations have already been made by him to the respondents on 13.03.2023.

10. In that case, the petitioner's representation itself can be considered as his appeal by passing an order by the first respondent by condoning the delay and the petitioner is also at liberty to make any additional grounds if at all wishes to make before the appellate authority within a period of two weeks from the date of receipt of a copy of this order and thereafter, the first



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respondent shall dispose of the appeal within a period of four weeks thereafter.

11. With these observations and directions, this Writ Petition is **disposed of**. No costs. Consequently, connected miscellaneous petitions are closed.

14.06.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

RM



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R.N.MANJULA, J.

RM

Order made in
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14.06.2024