



W.P.(MD)No.15471 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.15471 of 2024

and

W.M.P.(MD).No.13529 of 2024

M.Hariraj

... Petitioner

Vs.

- 1.The Joint Registrar of Co-operative Societies,
O/o. The Joint Registrar of Co-operative Societies,
Tiruchirappalli Region,
Tiruchirappalli.
- 2.The Deputy Registrar of Co-operative Societies,
O/o. The Deputy Registrar of Co-operative Societies,
Tiruchirappalli Circle,
Tiruchirappalli.
- 3.The Administrator,
R.270, Punganur Primary Agricultural
Co-operative Credit Society,
Punganur, Ramji Nagar Post,
Srirangam Taluk,
Tiruchirappalli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned order passed by the third respondent vide Na.Ka.No. 1/2024 dated 28.02.2024 and quash the same and consequently directing the



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respondents to reinstate the petitioner in service in the R.270, Punganur Primary Agricultural Co-operative Credit Society.

For Petitioner : Mr.D.Shanmuga Rajasethupathi

For Respondents : Mr.K.S.Selva Ganesan,
Additional Government Pleader

ORDER

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

2. Heard Mr.D.Shanmuga Rajasethupathi, learned counsel appearing for the petitioner and Mr.K.S.Selva Ganesan, learned Additional Government Pleader appearing for Respondent Nos.1 to 3.

3. The petitioner has filed this Writ Petition challenging the impugned order passed by the third respondent vide Na.Ka.No.1/2024, dated 28.02.2024, through which, the petitioner was kept under suspension.

4. Mr.D.Shanmuga Rajasethupathi, learned counsel appearing for the petitioner submitted that the charge memo dated 28.02.2024 does not state any *prima facie* reasons for keeping the petitioner under suspension. Earlier, the



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petitioner was given with the promotion to the post of Clerk, but, subsequently he was de-promoted to the post of Salesman on 21.09.2023 and the petitioner has challenged the de-promotion order by way of Writ Petition in W.P. (MD).No.23717 of 2023 and got an interim order of stay. When the said facts are so, the petitioner was placed under suspension through issuance of the impugned order dated 28.02.2024.

5. Mr.K.S.Selva Ganesan, learned counsel appearing for the respondents submitted that the order of suspension is not relevant to the earlier order passed for de-promoting the petitioner.

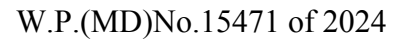
6. The petitioner, who kept under suspension should atleast know what is the reason for which he was kept under suspension atleast after the order of suspension served upon him. In the suspension order dated 28.02.2024, it is stated that the petitioner will be given with the charge memo. So far, he was not given with the charge memo. In this regard, it is relevant to refer the judgment of the Supreme Court in the case of *Ajaykumar Chowdhary vs. Union of India and others* reported in **2015 (3) CTC 119** wherein, the Supreme Court has held that no order of suspension shall be prolonged for more than three months without any issuance of charge memo and the same is extracted hereunder:



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“8. Suspension, specially preceding the formulation of charges, is essentially transitory or temporary in nature, and must perforce be of short duration. If it is for an indeterminate period or if its renewal is not based on sound reasoning contemporaneously available on the record, this would render it punitive in nature. Departmental/disciplinary proceedings invariably commence with delay, are plagued with procrastination prior and post the drawing up of the memorandum of charges, and eventually culminate after even longer delay.

9. Protracted periods of suspension, repeated renewal thereof, have regrettably become the norm and not the exception that they ought to be. The suspended person suffering the ignominy of insinuations, the scorn of society and the derision of his department, has to endure this excruciation even before he is formally charged with some misdemeanour, indiscretion or offence. His torment is his knowledge that if and when charged, it will inexorably take an inordinate time for the inquisition or inquiry to come to its culmination, that is, to determine his innocence or iniquity. Much too often this has now become an accompaniment to retirement. Indubitably, the sophist will nimbly counter that our Constitution does not explicitly guarantee either the right to a speedy trial even to the incarcerated, or assume the presumption of innocence to the accused. But we must remember that both these factors are legal ground norms, are inextricable tenets of Common Law Jurisprudence, antedating even the Magna Carta of 1215, which assures that — “We will sell to no



<https://www.mhc.tn.gov.in/judis>



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To

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R.N.MANJULA, J.

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