



W.P.(MD)No.15984 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.15984 of 2024

and

W.M.P.(MD).Nos.13897 & 13899 of 2024

Leelavathi

... Petitioner

Vs.

1.The Joint Registrar / The Managing Director,
A1437, Madurai District Pandiyan Consumer Co-operative,
Whole Sale Warehouse,
Madurai.

2.The Deputy Registrar of Co-operative Society,
Deputy Registrar of Co-operative Society Office,
Madurai.

3.Madurai District Pandiyan Consumer,
Co-operative Whole Sale Store Limited,
P.P.Savadi, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records to the impugned order passed by the first respondent herein, in his proceedings in NA.KA.No.65/2024 PA THO.2 dated 29.05.2024 and the charge memo NA.KA.No.65/2024 PA THO.2 dated 26.06.2024 and quash the same and consequently direct the respondents to consider and allow the petitioner to



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entire from the service and disburse the terminal benefits and all other benefits to her.

For Petitioner : Mr.P.Venkatesan

For R-1 & R-3 : Mr.D.Shanmugaraja Sethupathy,
Standing Counsel

For R-2 : Mr.K.S.Selvaganesan,
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.P.Venkatesan, learned counsel appearing for the petitioner, Mr.D.Shanmugaraja Sethupathi, learned Standing Counsel appearing for respondent Nos.1 and 3 and Mr.K.S.Selvaganesan, learned Additional Government Pleader appearing for the second respondent.

3. The petitioner, who was kept under suspension on the verge of his retirement, has filed this Writ Petition challenging the impugned order passed by the first respondent herein in his proceedings in NA.KA.No.65/2024 PA THO.2 dated 29.05.2024 and the charge memo in NA.KA.No.65/2024 PA



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THO.2, dated 26.06.2024. The petitioner has also been issued with the charge memo alleging that the petitioner has caused certain financial loss to the society and she had challenged the said charge memo as well.

4. Mr.P.Venkatesan, learned counsel appearing for the petitioner submitted that the petitioner was placed under suspension at the verge of her retirement, which is against the Rules and that the co-delinquent, who had also been shown as responsible for the loss was not been given with any charge and no disciplinary action has been initiated against him.

5. The petitioner did not challenge the surcharge proceedings through which some amount has been determined as the loss caused to the Society and for which, the petitioner and another one Govindarajan were responsible. The suspension order has been issued consequent to the surcharge proceedings. Since the root cause for placing the petitioner under suspension is the surcharge proceedings, the petitioner ought to have challenged the same without attempting to challenge the consequential proceedings. As the petitioner has been issued with the charge memo, it is advisable for the petitioner to offer her explanation subject to disciplinary proceedings.



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6. Mr.D.Shanmugaraja Sethupathi, learned Standing Counsel, appearing for respondent Nos.1 and 3, submitted that the disciplinary action will be initiated against the other delinquent as well and the petitioner has been kept under suspension because of her retirement and in accordance with the bye-laws of the Society.

7. Since the petitioner has attained the age of superannuation on 31.05.2024, it would have been appreciated if the respondent Society had initiated the action well in advance before issuing a charge memo at the verge of the retirement of the petitioner. However, certain amount has been determined as the loss caused to the society by the petitioner, after the surcharge enquiry has been made, in such case, the petitioner is at liberty to challenge the same. She can also participate in the pending disciplinary proceedings against her.

8. So far as the disciplinary proceedings is concerned, the respondents are directed to conclude the same within a period of eight weeks by considering the last minute suspension of the petitioner and due to which, the petitioner is deprived to get any of her monetary and retirement benefits.



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9. In view of the above, the Writ Petition is **disposed** by giving liberty to the petitioner to file an appeal, if any, by making use of the statutory avenues for appeal and if necessary, by filing a petition to condone the delay, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

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NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

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Madurai.

2.The Deputy Registrar of Co-operative Society,
Deputy Registrar of Co-operative Society Office,
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3.Madurai District Pandiyan Consumer,
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