



WP(MD) No.15836 of 2024

-BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **15.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.15836 of 2024

and

W.M.P.(MD)Nos.13782 and 13783 of 2024

S.Usain

... Petitioner

Vs.

1.The Joint Registrar of Cooperative Societies,
Madurai Region, Madurai.

2.The Joint Registrar/Administrator,
The Madurai District Pandian Consumer
Co-operative Wholesale Store Ltd.,
No.216, Mudakku Salai, Kalavasal,
Madurai-625 014.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records in pursuant to the impugned suspension order issued by the second respondent in Na.Ka.No.333/2022/Pa.Tho.2 dated 04.11.2022 and quash the same and consequently direct the respondents to reinstate the petitioner in service and to regularize the period of suspension as duty and to disburse all attendant and monetary benefits to the petitioner within a stipulated time fixed by this Court.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.M.Senthil Ayyanar

Government Advocate



WP(MD) No.15836 of 2024

ORDER

WEB COPY

This writ petition has been filed challenging the suspension order issued by the second respondent in Na.Ka.No.333/2022/Pa.Tho.2 dated 04.11.2022 and consequently to direct the respondents to reinstate the petitioner in service and to regularize the period of suspension as duty and to disburse all attendant and monetary benefits to the petitioner within a stipulated time fixed by this Court.

2.Heard Mr.K.Saravanakumar, learned counsel for the petitioner and Mr.M.Senthil Ayyanar, learned Government Advocate for the respondents.

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

4.The grievance of the petitioner is that he was working as a Helper in the respondent Society. He was placed under suspension on the ground of unauthorized absence vide order dated 04.11.2022.



WP(MD) No.15836 of 2024

5.The learned counsel for the petitioner submitted that the second respondent in the impugned order has not mentioned any breach of trust with regard to the Society, in which the petitioner is working. The impugned suspension order has been given on the ground of absence from duty without any intimation. He further submitted that the petitioner has not been paid with subsistence allowance right from the date of suspension.

6.He further submitted that the petitioner is no way connected with the criminal case registered against him in Crime No. 564 of 2022, based on which the entire disciplinary proceedings have been initiated.

7.The learned Government Advocate for the respondents submitted that the petitioner has been arrested in a criminal case in Crime No.564 of 2022 on the file of the Keeraithiruvai Police Station, Madurai and he was under custody for about 54 days. Without any intimation, the petitioner was absent from duty and only at later point of time, it was known that the petitioner had involved in a criminal case and he has been remanded in prison and even after the petitioner was released from the jail, he had not reported to duty. Therefore,



WP(MD) No.15836 of 2024

disciplinary action has been initiated against the petitioner and he was placed under suspension.

8. Since the petitioner was in prison with regard to the criminal case registered against him, he cannot expect continuity of service with back wages, even if he is considered for reinstatement. Since the disciplinary proceedings has not yet been completed so far though the charge memo was issued in the year 2022, I feel that it is appropriate to direct the respondent to reinstate the petitioner into service without prejudice to the respondents to proceed with the disciplinary proceedings in accordance with law and pass orders with regard to the period of absence of the petitioner from duty. It is needless to mention here that the petitioner is also entitled to get the subsistence allowance for the period, during which he was placed under suspension.

9. This writ petition is disposed of with the above directions.

No costs. Consequently, connected miscellaneous petitions are closed.

15.07.2024

Index : Yes / No

NCC : Yes / No

ta

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



WP(MD) No.15836 of 2024

WEB COPY To

- 1.The Joint Registrar of Cooperative Societies,
Madurai Region, Madurai.
- 2.The Joint Registrar/Administrator,
The Madurai District Pandian Consumer
Co-operative Wholesale Store Ltd.,
No.216, Mudakku Salai, Kalavasal,
Madurai-625 014.



WEB COPY



WP(MD) No.15836 of 2024

R.N.MANJULA, J.

ta

W.P.(MD)No.15836 of 2024

15.07.2024