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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2025

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 1156 of 2025

And

W.M.P.Nos. 1394 & 1395 of 2025

S.Sankar

... Petitioner

..Vs..

1. The Chairman
Common Cadre Authority/
Joint Registrar of Cooperative Societies
Tiruvallur Region
Tiruvallur,
Tiruvallur District.
 2. The Deputy Registrar of Cooperative Societies
Ponneri Circle
Ponneri,
Tiruvallur District.
 3. The Administrator
J.J.110, Minjur Primary Agricultural
Cooperative Credit Society
Minjur – 601 203,
Ponneri Taluk
Tiruvallur District.
- ... Respondents



PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the first respondent in her proceedings Na.Ka.No.2950/2022 Po.Pa.Ku., dated 18.05.2022 and quash the same and consequently directing the respondents to reinstate the petitioner into service along with backwages, all attendant benefits and other monetary benefits together with continuity of service to the petitioner.

For Petitioner	:: Mr. C.Prakasam
For Respondents	:: Mr. M.Muthusamy Government Advocate

ORDER

The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to an order passed by the first respondent in proceedings Na.Ka.No.2950/2022 Po.Pa.Ku., dated 18.05.2022 and quash the same. That particular order is an order placing the petitioner under suspension.



2. The petitioner claims that he should be reinstated into service with backwages with all service and monetary benefits.

3. In the affidavit filed in support of the Writ Petition, it had been stated that the writ petitioner was appointed as Clerk in the third respondent Society on 27.10.1993 and subsequently, promoted as Secretary on 01.03.2018. At that particular point of time, a complaint had been lodged against the President, Board of Directors and Employees of the third respondent Society including the petitioner herein. An enquiry under Section 81 of Tamil Nadu Cooperative Societies Act, 1983 was conducted. It was stated that loan amount of Rs.3,33,88,000/- had been disbursed to 33 members and 30 members had repaid the loan except Rs.38/- lakhs not repaid by the members. It had been stated that subsequently the members had also repaid the loan except a sum of Rs.3,12,000/-. The petitioner was suspended from service on 18.05.2022 which order is now impugned in the Writ Petition.

4. The learned counsel for the petitioner stated that the petitioner had been kept under prolonged suspension, as on date for nearly 3 years and



only 50% of the subsistence allowance had been paid to him and therefore, insisted that an order revoking the suspension must be passed.

5. A counter affidavit had been filed on behalf of the second respondent wherein it had been stated that while the petitioner was working as Secretary in the third respondent Society, he had committed misappropriation of society funds and caused loss to the society to an extent of Rs.1,29,47,641/-. It had been stated that the co-delinquents had repaid their share but the petitioner had not repaid any amount. Subsequently, surcharge proceeding under Section 87 of the Tamil Nadu Co-operative Society Act 1983 had also been initiated. It had been further stated that a FIR in Cr.No.1 of 2024 had also been registered by the Inspector of Police, Economic Offence Wing for offences punishable under Sections 406, 408, 420, 468, 471 and 477(A) of IPC read with Section 34 of IPC. The petitioner is one of the accused.

6. The learned counsel for the petitioner contended that the final report had not been filed by the Investigating authority. With respect to the order of suspension and contemplation of disciplinary proceedings,



subsequently, an enquiry Officer had been appointed and the enquiry had been completed but final orders had not been passed.

7. A direction is given to the respondents to pass appropriate final orders within a period of 8 weeks from the date of receipt of a copy of this order. The respondents may also examine the subsistence allowance paid to the petitioner herein. It is contended that the same is paid in accordance with a direction of a learned Single Judge of this Court without any default.

8. The learned counsel for the petitioner claims that since the petitioner has been in continuous suspension for more than three years, 100% subsistence allowance should be paid. If final orders within a period of 8 weeks are not passed, then there would be an increase in the subsistence allowance payable to the petitioner herein from 50% to 75%. Therefore, it would only be in the interest of the respective official respondents to pass order within a period of 8 weeks from the date of receipt of a copy of this order.



WEB COPY 9. The Writ Petition stands disposed of. W.M.P.No. 1394 of 2025 stands ordered as prayed for. W.M.P.No. 1395 of 2025 stands closed. No order as to costs.

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Index: Yes/No

Internet: Yes/No

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C.V.KARTHIKEYAN, J.,

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