



W.P.(MD).No.1489 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.1489 of 2025

and

W.M.P(MD) Nos.1076 and 1078 of 2025

M.Raja

... Petitioner

Vs.

1. The Joint Registrar of Cooperative Societies,
C-1-3 Block, First Floor,
Master Plan Complex,
Collectorate,
Kumarasamy Raja Nagar,
Virudhunagar – 626 002.

2. The Deputy Registrar of Co-operative Societies,
Srivilliputtur Circle,
No.2H/2H1, Kalayarkurichi Street,
Madavar Valagam,
Srivilliputtur,
Virudhunagar – 626 125.

3. The Cooperative Sub Registrar/
Secretary,
Q.1066, Rajapalayam Consumer Cooperative
Wholesale Stores Limited,
346, PACR Road,
Bharathi Nagar,
Rajapalayam – 626 108.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to impugned order of suspension vide No.Na.Ka. 5/2024/ 610 dated 16.09.2024 and impugned charge memo dated 19.11.2024 issued by the third respondent and quash the same as illegal and consequently direct the respondents to reinstate the petitioner into the service with all monetary and service benefits.

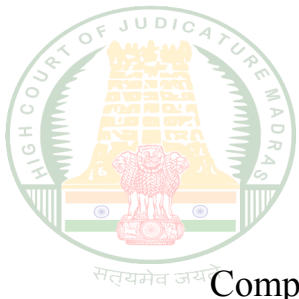
For Petitioner : Mr.C.Masilamani

For Respondents : Mr.D.Sasikumar
Additional Government Pleader

ORDER

The instant Writ Petition has been filed by a Salesman under suspension of a Fair Price Shop, challenging the order of suspension and the charge memo issued to him on 16.09.2024 and 19.11.2024 respectively.

2. According to the learned counsel appearing for the writ petitioner, the allegations as against the writ petitioner arise out of *malafides* and he has been falsely implicated. He further contends that after the order of suspension was passed, the petitioner has cleared all the allegations as against him and while he was under suspension certain alterations have been made in the



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Computers maintained in the godown and based upon the said alteration, the present charge memo has been issued.

3. The averments in the affidavit as well as the submission made by the learned counsel appearing for the petitioner would reveal that the entire issue revolve around factual disputes which cannot be considered by this Court in exercise of power under Article 226 of the Constitution of India. Therefore, this Court is not inclined to interfere either in the order of suspension or in the charge memo.

4. According to the learned counsel appearing for the writ petitioner, the petitioner has not been paid the subsistence allowance and has not been furnished the copies of the documents which are shown as Annexure – 3 in the charge memo. The respondents are directed to pay the eligible subsistence allowance to the writ petitioner and to furnish the copies of the documents as per Annexure -3 of the charge memo.

5. The petitioner is directed to submit his explanation to the charge memo within a period of four weeks from the date of receipt of a copy of this



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order. The respondents are directed to complete the enquiry within a period of three months from the date of receipt of explanation.

6. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently connected Miscellaneous Petitions are closed.

21.01.2025

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