



W.P.(MD) No.6836 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2025

CORAM:

THE HONOURABLE Mr.JUSTICE BATTU DEVANAND

W.P.(MD)No.6836 of 2025
and W.M.P(MD)Nos. 5121 and 5120 of 2025

M.Mahendran

... Petitioner

Vs.

1.The Registrar of Cooperative Societies,
170, Periyar EVR High Road,
Kilpauk, Chennai,
Chennai 600 010

2. The Joint Registrar of the Cooperative Societies,
Dindigul, Dindigul District.

3. The Deputy Registrar of The Cooperative Societies,
Palani Circle, Palani,
Dindigul District.

4. The Administrator / Cooperative Sub Registrar,
DD.556, Primary Agriculture Cooperative Credit Society,
Guziliamparai,Dindigul,
Dindigul District.

5. The Administrator / Cooperative Sub Registrar,
R-564, Primary Agriculture Cooperative Credit Society,
Landhakottai,Dindigul,
Dindigul District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for
issuance of Writ of Certiorarified Mandamus, calling for the records



W.P.(MD) No.6836 of 2025

pertaining to the impugned order passed by the 4th respondent vide in Na.Ka. 1/2024/Koo.Sa.Pa. dated 21.02.2024 and quash the same as illegal and consequently direct the 4th respondents to reinstate the petitioner in service and also to pay the subsistence allowance for the period of suspension, within the period that may be stipulated by this Court.

For Petitioner : Mr.H.Mohammed Imran
for M/s.Ajmal Associates

For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

This Writ Petition has been filed to quash the impugned order passed by the fourth respondent dated 21.02.2024 and for consequential direction to the fourth respondent to reinstate the petitioner in service and also to pay the subsistence allowance for the period of suspension, within the period that may be stipulated by this Court.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents and carefully examined the materials available on record.

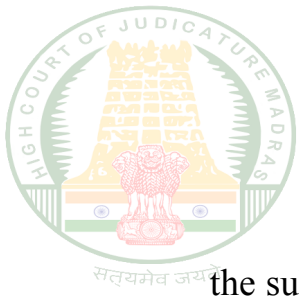


W.P.(MD) No.6836 of 2025

WEB COPY

3. The petitioner was initially appointed as an Attender on compassionate ground in the fourth respondent Society in the year 1999. He was transferred and posted during the period from 17.07.1999 to 30.11.2023 to the fifth respondent. Though he was transferred as an Attender, he was holding the post of Secretary of the fifth respondent Society in-charge. Again, he was transferred to the fourth respondent Society on 30.11.2023. While so, the fourth respondent Society vide proceedings dated 21.02.2024 placed the petitioner under suspension on alleging that the petitioner committed misappropriation and caused financial loss. The said order is impugned in this writ petition.

4. The learned counsel for the petitioner submits that though the impugned order is passed on 21.02.2024, suspending the petitioner from service, even after one year, no charge memo was issued and no enquiry is conducted and the order of suspension is not reviewed as per the instructions issued by the Government in G.O.Ms.No.81, Human Resources Management (N) Department, dated 04.08.2022. The petitioner sent a detailed representation dated 02.08.2024 to the fourth respondent requesting to revoke the order of suspension or atleast to pay



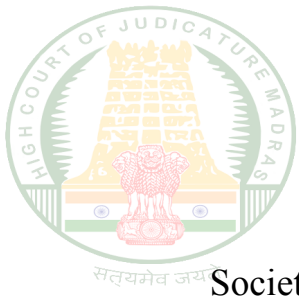
W.P.(MD) No.6836 of 2025

WEB COPY

the subsistence allowance. But the fourth respondent failed to take action on the petitioner's representation. Aggrieved by the same, this writ petition is filed.

5. The learned Special Government Pleader appearing for the respondents would submit that the petitioner, while working as the Secretary(in-charge) in the fifth respondent Society, committed misappropriation of funds and as such, he was kept under suspension vide the impugned order. He would further submit that the representation submitted by the petitioner will be considered in due course.

6. Having heard the submissions of the respective counsels and on careful perusal of the materials available on records, the admitted facts are not in dispute. The third respondent transferred the petitioner who is working as Attender in the fourth respondent Society as in-charge Secretary of the fifth respondent Society. Subsequently, he was re-transferred to the fourth respondent Society. Thereafter, the fourth respondent issued proceedings suspending the petitioner from service alleging that he committed misappropriation in the fifth respondent



W.P.(MD) No.6836 of 2025

WEB COPY

Society. Though the suspension order was issued on 21.02.2024., even after lapse of one year, no charge memo was issued and no enquiry is conducted.

7. The learned counsel for the petitioner contends that subsistence allowance is also not paid. If the contention of the petitioner is true, the action of the fourth respondent in continuing the petitioner on suspension without issuing charge memo or not paying subsistence allowance is unreasonable and unjustified. It is settled law that every employee during suspension period is entitled for the subsistence allowance. The fourth respondent failed to consider the representations submitted by the petitioner on 02.08.2024 for revocation of the order of suspension. A perusal of the materials available on record would show that the fourth respondent did not make any attempt to review the suspension order after three months as provided under the relevant rules.

8. Considering all these aspects, in the considered opinion of this Court, the action of the fourth respondent in continuing the petitioner on suspension for one year is illegal and unjust and liable to be quashed.



WEB COPY



W.P.(MD) No.6836 of 2025

9. Accordingly, this writ petition is allowed.

10. The fourth respondent is directed to revoke the suspension order dated 21.02.2024 and re-instate the petitioner into service and post him in any non-sensitive post within a period of two weeks from the date of receipt of a copy of this order.

There shall be no order as to costs.

Consequently, connected miscellaneous petitions are closed.

27.03.2025

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



W.P.(MD) No.6836 of 2025

WEB COPY

To

1. The Registrar of Cooperative Societies,
170, Periyar EVR High Road,
Kilpauk, Chennai,
Chennai 600 010

2. The Joint Registrar of the Cooperative Societies,
Dindigul, Dindigul District.

3. The Deputy Registrar of The Cooperative Societies,
Palani Circle, Palani,
Dindigul District.

4. The Administrator / Cooperative Sub Registrar,
DD.556, Primary Agriculture Cooperative Credit Society,
Guziliamparai, Dindigul,
Dindigul District.

5. The Administrator / Cooperative Sub Registrar,
R-564, Primary Agriculture Cooperative Credit Society,
Landhakottai, Dindigul,
Dindigul District.



WEB COPY



W.P.(MD) No.6836 of 2025

BATTU DEVANAND, J.

CM

W.P.(MD)No.6836 of 2025
and W.M.P(MD)Nos. 5121 and 5120 of 2025

Dated : 27.03.2025