

(2006) 02 MAD CK 0051

In the Madras High Court

Case No : Writ Petition No. 4865 of 2005 and W.P.M.P. No. 5242 of 2005

Pattani P.

APPELLANT

Vs

Joint Registrar of Co-operative Societies and Another

RESPONDENT

Date of Decision : 08-02-2006

Acts Referred:

Citation : (2006) 02 MAD CK 0051

Hon'ble Judges : P. Jyothimani, J

Bench : Single Bench

Advocate : P. Krishnadhas, for the Appellant; K.V. Vivekanandan, GA, for the Respondent

Final Decision : Allowed

Judgement

P. Jyothimani, J.—Heard the learned Counsel appearing for the petitioner and the learned Government Advocate, appearing for the

respondents. By consent of both counsel, the writ petition itself is taken up for final hearing.

2. This writ petition is filed challenging the proceedings of the second respondent, dated May 6, 2005, under which the petitioner was placed under suspension,

3. The petitioner being an employee of the second respondent co-operative society is governed by the provisions of Section 76(3) of the Tamil

Nadu Co-operative Societies Act, which contemplates that a suspension of an employee has to be made by specifying the period of suspension

and starting point of suspension. This legal petition has been clarified by a Division Bench of this Court in Special Officer, Vellakovil Primary

Agricultural Co-operative Bank Vs. C. Poongodi and Others, wherein it was held

that if the suspension order fails to explain the starting time of suspension and the period of suspension, it is against the statutory provisions.

4. Here also the impugned order would show that the petitioner along with others was kept under suspension from May 6, 2005, but the period of suspension is not notified and therefore the impugned order is liable to be set aside.5. In this view of the matter, the impugned order is set aside

and the writ petition is allowed. However this will not preclude the respondent from, proceeding further with the disciplinary proceedings in accordance with statutory provisions.

6. With the above observation, the writ petition is allowed. Consequently, the connected W.P.M.P is closed. There is no order as to costs.