

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.9.2008

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P.No.5681 of 2001

P.Vijaya

.. Petitioner

vs.

The Management of Thiruvandipatti
Primary Agricultural Co-operative Bank
Ltd., represented by its President
Thiruvandipatti
Kolikalnatham P.O.,
Sankari Taluk
Salem District

.. Respondent

This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records from the respondent relating to his order dated 26.2.2001 and quash the said order dated 26.2.2001.

For petitioner : Mr.S.Ayyathurai

For Respondents : Mr.A.V.Arun
P.Raja

O R D E R

This writ petition has been filed praying for a writ of Certiorari to call for the records relating to the impugned order of the respondent, dated 26.2.2001, suspending the petitioner from service in the interest of the society.

2. The main contention of the learned counsel appearing for the petitioner is that the respondent had exercised the power of suspension in an arbitrary and mala fide manner. No reasons have been given in the impugned order suspending the petitioner from service. There is no allegation of misconduct against the petitioner. Therefore, the impugned order of the respondent, dated 26.2.2001, is to be set aside.

3. The learned counsel appearing for the respondent had submitted that the petitioner has been reinstated in service, in view of the interim order passed by this Court, on 23.3.2001, in W.M.P.No.8057 of 2001. The learned counsel appearing for the respondent had further submitted that the petitioner would not be suspended from service for her unauthorised absence, which was the basis for her earlier suspension. Therefore, it was submitted by the learned counsel appearing for the respondent that no further orders are required to be passed in the present writ petition. However, he had prayed that this Court may permit the Management of the respondent Bank to initiate appropriate proceedings against the petitioner for her alleged misconduct of unauthorised absence, if found necessary and if so advised.

4. The learned counsel appearing for the petitioner had not refuted the submissions made by the learned counsel appearing for the respondent.

5. In view of the submissions made by the learned counsels appearing for the parties concerned, the writ petition stands dismissed, as no further orders are required to be passed in the writ petition. However, it goes without saying that it is open to the respondent Management to initiate appropriate proceedings against the petitioner, in accordance with law, for the alleged misconduct of her unauthorised absence, if found necessary and if so advised. Consequently, connected W.M.P.No.8057 of 2001 is also dismissed. No costs.

Sd/-

Asst. Registrar

/true copy/

Sub Asst. Registrar

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To

The President

The Management of Thiruvandipatti

Primary Agricultural Co-operative Bank Ltd.,

Thiruvandipatti, Kolikalnatham P.O.,

Sankari Taluk, Salem District.

+1 cc to the Mr.S.Ayyathurai, Advocate, SR.No.56414

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MS [CO]

RB 29/10/2008