

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.04.2015

CORAM

The Honourable Mr.Justice D.HARIPARANTHAMAN

W.P.No.12109 of 2015

and

M.P.Nos.1 & 2 of 2015

G.Vijaya

... Petitioner

Vs

1. The Joint Registrar of Co-operative Societies
Erode Region Thiru Nagar Colony
Karungalpalayam Erode-638003.
2. K.290 Anthiyur Primary
Agricultural Co-operative Credit Society Ltd.
Rep. by its President Anthiyur-638501
Erode District.
3. The Secretary
K.290 Anthiyur Primary Agricultural
Co-operative Credit Society Ltd.
Anthiyur-638501 Erode District.
4. C.Gousalya Devi

... Respondents

Prayer: Writ petition is filed under Article 226 of Constitution of India, seeking a writ of certiorari calling for the records pertaining to the impugned order dated 30.03.2015 made in Na.Ka.No. 7678/2014/Sa.Pa. passed by the 1st respondent and the consequential impugned notice dated 18.04.2015 issued by the 2nd respondent quash the same

For Petitioner

: Mr.N.Manokaran

For respondents

: Mr.D.Venkatachalam, GA (R1-3)
Mr.S.N.Ravichandran (R4)

O R D E R

Heard Mr.N.Manokaran, learned counsel for the petitioner, Mr.D.Venkatachalam, learned Government Advocate, who took notice for respondents 1 to 3 and Mr.S.N.Ravichandran, learned counsel who took notice for the 4th respondent. With their consent, the main writ petition itself is taken up for final disposal, since the matter lies in a narrow compass.

2. The petitioner has filed this writ petition to quash the order of the 1st respondent dated 30.03.2015 and the consequential order of the 2nd respondent dated 18.04.2015.

3. The case of the petitioner is that she petitioner was appointed as a Clerk in the 2nd respondent Society on 24.09.1990 and was promoted as a Senior Clerk from the post of Clerk from 08.09.2014. Aggrieved over such promotion given to the petitioner, the 4th respondent, preferred a revision petition under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983. The 1st respondent passed the impugned order dated 30.03.2015, setting aside the promotion of the petitioner, without any notice and without affording a reasonable opportunity of hearing to the petitioner. On 18.04.2014, the 2nd respondent issued the impugned notice to the petitioner as to why she should not be demoted to the post of Clerk pursuant to the order dated 30.03.2015 passed by the 1st respondent. Aggrieved against the said orders, the petitioner is before this Court.

4. It is well settled law that no adverse order could be passed against a person resulting in civil consequences, without hearing the aggrieved person.

5. Hence, the impugned orders dated 30.03.2015 of the 1st respondent and the order of the 2nd respondent dated 18.04.2015 are set aside and the matter is remitted back to the 1st respondent to decide the revision petition filed by the 4th respondent, after hearing the petitioner, 2nd respondent and the 4th respondent, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that the petitioner shall be served with copies of documents relating to revision petition submitted by the 4th respondent before hearing her.

The writ petition is disposed of with the above direction. No costs. Connected miscellaneous petitions are closed.

Sd/-

Deputy Registrar

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Sub Assistant Registrar

rg

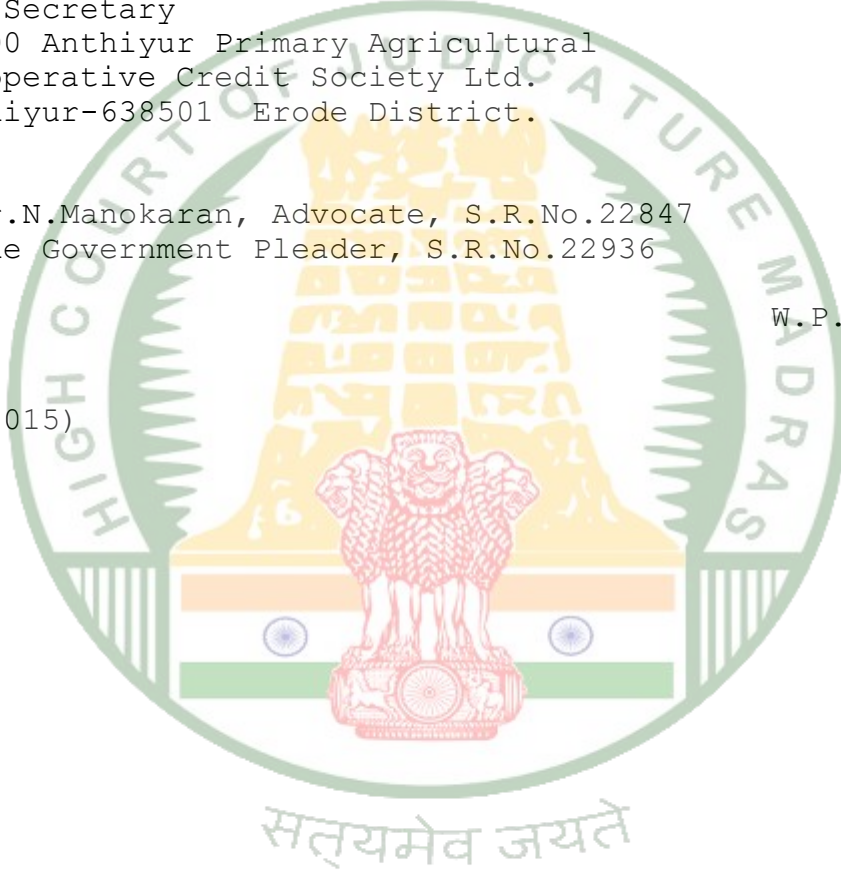
To

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3. The Secretary
K.290 Anthiyur Primary Agricultural
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Anthiyur-638501 Erode District.

+1cc to Mr.N.Manokaran, Advocate, S.R.No.22847
+1cc to the Government Pleader, S.R.No.22936

W.P.No.12109 of 2015

VSN(CO)
CA(07/05/2015)



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