

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.12195 of 2015 and
M.P.Nos.1 and 2 of 2015

S.A.Ramalingam

...Petitioner

vs.

1.The Registrar of Co-operative Societies (Housing)
Nandanam, Housing Board Premises, Chennai - 600 035.

2.The Deputy Registrar of Co-operative Societies,
(Housing), Chengalpattu Region,
10, Vedachalam Nagar,
Chengalpattu, Kancheepuram District.

3.The President,
Thiruvallur Taluk Co-operative Housing
Society, No.CGT/HSG 39,
210, M.V.Complex, 2nd Floor,
C.V.Naidu Salai, Tiruttani Road,
Thiruvallur 602 001.

...Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of certiorarified mandamus, calling for records on the file of the third respondent relating to the order issued in Ref. No. Nil dated 02.02.2015 (served on petitioner on 13.03.2015) and to quash the same and consequently direct the second and third respondents to reinstate the petitioner into service as Secretary in the Thiruvallur Taluk Cooperative Housing Society with all consequential service and monetary benefits, based on the interim order passed by the first respondent in Rc.No.8074/2014/SF.1 dated 11.02.2015 in the Revision Petition dated 31.12.2014 made by the petitioner.

For Petitioner
For Respondents

: Mr.R.Chandrasekaran
: Mr.R.Bala Ramesh
Addl.Govt.Pleader for R1 and R2
Mr.C.Prakasam for R3

O R D E R

The petitioner was placed under suspension by the third respondent. Against the said order, the petitioner filed revision

under Section 153 of the Tamil Nadu Cooperative Societies Act (for short "the Act") before the first respondent. He got an interim order of stay of suspension. A direction was issued by the first respondent to reinstate the petitioner into the service of the Society.

2. The grievance of the petitioner is that without complying with the order of the first respondent dated 11.02.2015 by reinstating him in service, the third respondent issued the impugned order dated 02.02.2015 directing him to appear for domestic enquiry on the basis of the charge sheet that was already issued. The petitioner has filed this writ petition to quash the aforesaid enquiry notice dated 02.02.2015.

3. Heard both sides.

4. The third respondent Society has filed a review application under Section 154 of the Act before the first respondent to review the order dated 11.02.2015. The review application is still pending. According to the learned counsel for the third respondent, till the disposal of the said review application, the petitioner cannot seek to enforce the order passed by the first respondent dated 11.02.2015.

5. I am not inclined to agree with the submission made by the learned counsel for the third respondent. Pending disposal of the review application, he could have sought for stay of the order dated 11.02.2015. However, no interim order was granted. It is stated that both the stay application as well as review application are pending. The third respondent Society has also not chosen to question the order dated 11.02.2015 of the first respondent before this Court.

6. In view of the above, the writ petition is disposed of, directing the third respondent to reinstate the petitioner in service. The first respondent is directed to dispose of the revision petition filed by the petitioner as well as the review application filed by the Society, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that if the petitioner is not reinstated in service, the first respondent need not take up the revision as well as review application. No costs. Consequently, connected miscellaneous petitions are closed.

svki

-s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1.The Registrar of Co-operative Societies (Housing)
Nandanam, Housing Board Premises,
Chennai - 600 035.

2.The Deputy Registrar of Co-operative Societies,
(Housing), Chengalpattu Region,
10, Vedachalam Nagar,
Chengalpattu, Kancheepuram District.

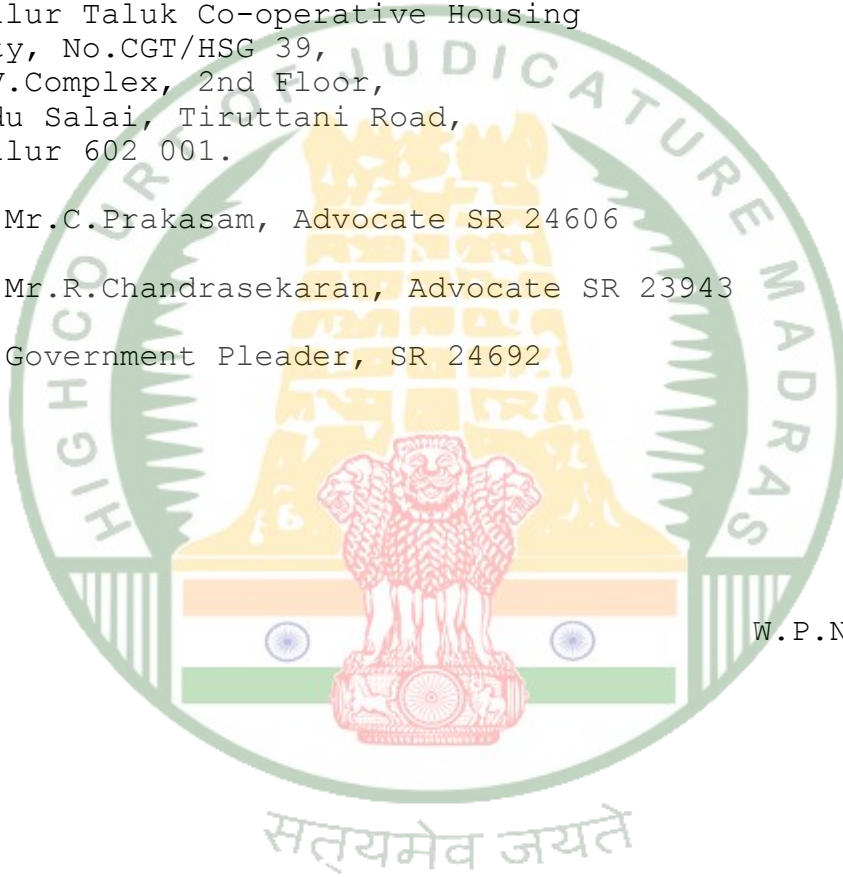
3.The President,
Thiruvallur Taluk Co-operative Housing
Society, No.CGT/HSG 39,
210, M.V.Complex, 2nd Floor,
C.V.Naidu Salai, Tiruttani Road,
Thiruvallur 602 001.

+ 1 cc to Mr.C.Prakasam, Advocate SR 24606

+ 1 cc to Mr.R.Chandrasekaran, Advocate SR 23943

+ 1 cc to Government Pleader, SR 24692

ssi(co)
prk6/5



W.P.No.12195 of 2015

WEB COPY