

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17-08-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.25520 of 2015

and

M.P.No.1 of 2015

G.Venkatesan

Petitioner

vs

1.President

No.495 Krishnagiri Taluk
Agricultural Producers Cooperative
Marketing Societies Ltd.,
Pochampalli, Krishnagiri

2.District Revenue Officer

Krishnagiri

3.Joint Registrar

Public Distribution System
Krishnagiri

4.Deputy Registrar

Public Distribution System
Krishnagiri

Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records of the first respondent relating to the proceedings dated 27.8.2014, as well as the consequential proceedings dated 17.3.2015, and quashing the same and directing the first respondent to permit the petitioner to resume to the work.

For Petitioner : Mr.V.Veluchamy

For Respondents : Mr.R.Bala Ramesh
Additional Government Pleader

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner would state that he was employed as a Salesman in the Fair Price Shop No.HE018 from 9.7.2014, and while the inspection was done on 6.8.2014, certain irregularities were noted and he was placed under suspension by the first respondent vide proceedings dated 27.8.2014, and thereafter, on 17.3.2015, the first respondent has passed an order holding that the petitioner has made false entries and sold the commodities meant for distribution through

Public Distribution System (PDS), in the open market, for a sum of Rs.2,25,025/-, and ordered it's recovery.

3.The petitioner would further state that he, on receipt of the said proceedings, submitted a representation dated 25.3.2015, to the first respondent denying the allegation and praying for setting aside the order, with a consequential prayer of reinstatement in service and similarly, he submitted a representation to the District Revenue Officer, Krishnagiri as well as to the Joint Registrar of Cooperative Societies, Krishnagiri, on 25.3.2015, and since no orders have been passed, came forward to file this writ petition challenging the proceedings of the first respondent dated 17.3.2015.

4.The learned Counsel appearing for the petitioner, would submit that though the petitioner is placed under suspension, admittedly, before arriving at a finding that by creating false records, he has sold the articles meant for distribution through PDS, in the open market, no explanation has been called for from him and no enquiry whatsoever, has been held and hence, prays for interference.

5.Per contra, Mr.R.Bala Ramesh, learned Additional Government Pleader, who accepted notice on behalf of the respondents, would submit that the representation dated 25.3.2015, submitted by the petitioner before the Joint Registrar of Cooperative Societies, Krishnagiri, can be construed as a revision under Section 153 of the Tamil Nadu Cooperative Societies Act, 1983, and appropriate orders may be directed to be passed.

6.This Court has considered the rival submissions and also perused the materials placed before it.

7.A perusal of the impugned proceedings of the first respondent prima facie, discloses that the petitioner has not been afforded with any opportunity whatsoever, before arriving at a finding with a consequential order of recovery and the petitioner in this regard, has also submitted representations to the first respondent as well as to the respondents 2 and 3.

8.Though the petitioner prayed for a larger relief of quashment of the order of the first respondent, this Court, in the light of the facts and circumstances, is of the view that it would suffice to direct the Joint Registrar of Cooperative Societies, Krishnagiri, to treat the representation dated 25.3.2015, submitted by the petitioner, as a revision filed under Section 153 of the Tamil Nadu Cooperative Societies Act, 1983, and give a disposal to the same in accordance with law.

9.In the result, the writ petition is disposed of and the Joint Registrar of Cooperative Societies, Krishnagiri, is directed to treat the representation dated 25.3.2015, submitted by the petitioner, as a revision filed under Section 153 of the Tamil Nadu Cooperative Societies Act, 1983, and dispose of the same on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner and till then, the order of recovery of a

sum of Rs.2,25,025/- shall be kept in abeyance. No costs.
Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To:

- 1.The President
No.495 Krishnagiri Taluk
Agricultural Producers Cooperative
Marketing Societies Ltd.,
Pochampalli, Krishnagiri.
- 2.The District Revenue Officer
Krishnagiri
- 3.The Joint Registrar
Public Distribution System
Krishnagiri
- 4.The Deputy Registrar
Public Distribution System
Krishnagiri
- 5.The Joint Registrar of Cooperative Societies
Krishnagiri

+1 cc to V.Veluchamy, Advocate, sr.43332
+1 cc to Government Pleader, sr.43482

W.P.No.25520 of 2015

vsn(co)
kra(28/08)

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