

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.27707 of 2015

and

M.P.No.1 of 2015

Sivasundari

.. Petitioner

- Vs -

1. The Registrar of Co-operative Societies,
No.170, Periyar E.V.R. Salai,
Kilpauk, Chennai.
2. The Registrar of Co-operative Societies,
Coimbatore Division,
Coimbatore.
3. The Joint Registrar of Co-operative Societies,
Coimbatore Region,
Coimbatore.
4. The President,
K.1950, Irugur Co-operative Stores,
Ginning Factory Road, Irugur,
Coimbatore.

.. Respondents

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari calling for the entire records relating to the proceedings of the 4th respondent dated 17.08.2015 and to quash the same.

For Petitioner : Mr.C.Veeraraghavan

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader (Co-op)

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O R D E R

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

2. The petitioner while working as the accountant in Irugur Co-operative Stores, Irugur, Coimbatore was placed under suspension by the 4th respondent alleging certain irregularities and challenging the legality of the same, the petitioner has come forward to file this writ petition, contending among other things that petitioner

belongs to common cadre service and the 4th respondent is not competent to pass the order of suspension.

3. The learned counsel appearing for the petitioner invited the attention of this Court to Section 76(2) of the Co-operative Societies Act and would submit that the 4th respondent is not the competent authority and on this sole ground, the impugned order warrants interference and prays for setting aside of the impugned order.

4. Per contra, Mr.L.P.Shanmugasundaram, learned Special Government Pleader who accepts notice on behalf of respondent 1 to 4 would submit that the Societies bye-law governs the field and therefore the 4th respondent is competent to impose the said order of punishment and the learned Special Government Pleader would further submit that the petitioner has an effective alternative remedy by way of revision under Section 153 of the Co-operative Societies Act and prays for dismissal of the writ petition.

5. This Court in the light of the facts and circumstances of the case, without going into the merit of the claim projected by the petitioner, permits the petitioner to file revision to the third respondent within a period of two weeks from the date of receipt of a copy of this order and the third respondent on receipt of the same, shall entertain the revision, if the papers are otherwise in order and without going into the issue of limitation, pass orders on merits and in accordance with law, within a period of four weeks thereafter and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. Consequently, the connected miscellaneous petition is closed. No costs.

kk

s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Registrar of Co-operative Societies,
No.170, Periyar E.V.R. Salai, Kilpauk, Chennai.
2. The Registrar of Co-operative Societies,
Coimbatore Division, Coimbatore.
3. The Joint Registrar of Co-operative Societies,
Coimbatore Region, Coimbatore.

+ 1 cc to Mr.L.P.Shanmugasundaram, Advocate SR 48157

+ 1 cc to Govt.Pleader SR 48326

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