

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.27817 of 2015 &
M.P.No.1 of 2015

N.Govindaraj ... Petitioner

v.

- 1 The Joint Registrar of Co-operative Societies
Krishnagiri Region
Krishnagiri.
- 2 The Deputy Registrar of Co-operative Societies
Hosur Circle
Hosur, Krishnagiri District.
- 3 S.527 Kelamangalam Agriculture
Producers Co-op. Marketing Society Ltd.
Rep. by its Co-op. Sub Registrar/
Managing Director P.Mohan
Kelamangalam Denkanikotta Tk
Krishnagiri Dist. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records relating to the order of the 3rd respondent dated 18.08.2015 and quash the same.

For Petitioner : Mr.K.Selvaraj

For Respondents : Mr.R.Bala Ramesh
Addl. Govt. Pleader (Co-op.)

O R D E R

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

2. The petitioner was appointed as a Salesman in the 3rd respondent Society and subsequently, got promotion as Junior Assistant in the year 1993 and as Senior Assistant in the year 1997

and he was also given additional charge as Marketing Manager in the year 2014. According to the petitioner, he has rendered hard, sincere and unblemished service and he has not been issued any charge memo or disciplinary proceedings has been initiated against him during the course of his service.

3. While the petitioner working as in-charge Marketing Manager, one A.Shaik Abdullah was appointed as Pharmacist in the Pharmacy run by the 3rd respondent Society and on verification, it was found that expired medicines have been kept in the shop and in this regard, the petitioner sent a notice on 9.3.2015 to the said person for having caused the loss of Rs.1,97,620.24 in that regard.

4. It is a specific stand of the petitioner that A.Shaik Abdullah is the relative to the President of the 3rd respondent Society and therefore, with a mala fide intension, he was placed under suspension by order dated 18.08.2015 and challenging the legality of the same, he has filed this writ petition.

5. The learned counsel appearing for the petitioner would submit that since the impugned order of suspension bristles with mala fide and arbitrariness, it requires interference.

6. Per contra, Mr.R.Bala Ramesh learned Additional Government Pleader, who accepts notice on behalf of respondents, would submit that admittedly, the petitioner did not plea the statutory violation and therefore, the writ petition itself is not maintainable and prays of dismissal of the writ petition. However, it is also the submission of the learned Additional Government Pleader, that the petitioner has remedy under section 153 of the Co-operative Societies Act by filing revision before the first respondent for redressal of his grievance.

7. This court has considered the rival submissions made by the learned counsel on either side and also perused the materials available on record.

8. As rightly contended by the learned Additional Government Pleader, who accepts notice for the respondents, unless and until the petitioner pleads statutory violation, he cannot maintain this writ petition. However, in the light of an effective alternative remedy available to the petitioner in the form of revision before the first respondent, this court permits the petitioner to file a revision before the 1st respondent challenging the impugned order of suspension within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the 1st respondent is directed to entertain the said revision, if the papers are otherwise in order without rejecting the same on the ground of limitation, and pass orders 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, If the

Subsistence Allowance is not paid, the third respondent shall pay the same in accordance with law without fail.

This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

Rj
To

- 1 The Joint Registrar of Co-operative Societies
Krishnagiri Region
Krishnagiri.
 - 2 The Deputy Registrar of Co-operative Societies
Hosur Circle
Hosur, Krishnagiri District.
- 1 cc to Mr.K.Selvaraj, Advocate Sr.No.47909
1 cc to Government Pleader.Sr.No.48306
1 cc to Mr. R.Balaramesh, Advocate Sr.No.48821

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