

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.27818 of 2015 &
M.P.No.1 of 2015

M.Rangan

... 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.)

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O R D E R

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

2. The petitioner was appointed as Clerk in the 3rd respondent Society and on 31.12.2013, he was given additional charge of Cashier. However, he has not taken charge of jewels and books of accounts in respect of jewels of the 3rd respondent society. The petitioner has handed over the additional charge of Cashier and the

case balance to P.Mani as per the order of the President of the Society dated 16.2.2015 and the petitioner has handed over the cash balance of Rs.7,973/- to the said P.Mani on 17.2.2015 itself and it was also acknowledged by P.Mani and the petitioner was relieved from the additional charge of Cashier from 17.2.2015 and he was working only as Cashier.

3. The petitioner would state that on 30.12.2013, the Secretary-cum-Cashier has given an advance of Rs.1,45,000/- to the Vice President of the Society. The petitioner did not sign in the payment voucher and has not disbursed the advance amount and only Secretary-cum-Cashier alone was responsible for the disbursement of the advance amount. However, without considering the said fact, the 3rd respondent issued the impugned order dated 18.08.2015 and without conducting enquiry under section 81 of the Tamil Nadu Co-operative Societies Act 1983, the said order of suspension has been issued. Learned counsel for the petitioner would submit that without conducting any of the act the petitioner was placed under suspension and since it is total non application of mind, he has filed this writ petition.

4. 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 for 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.

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

6. 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

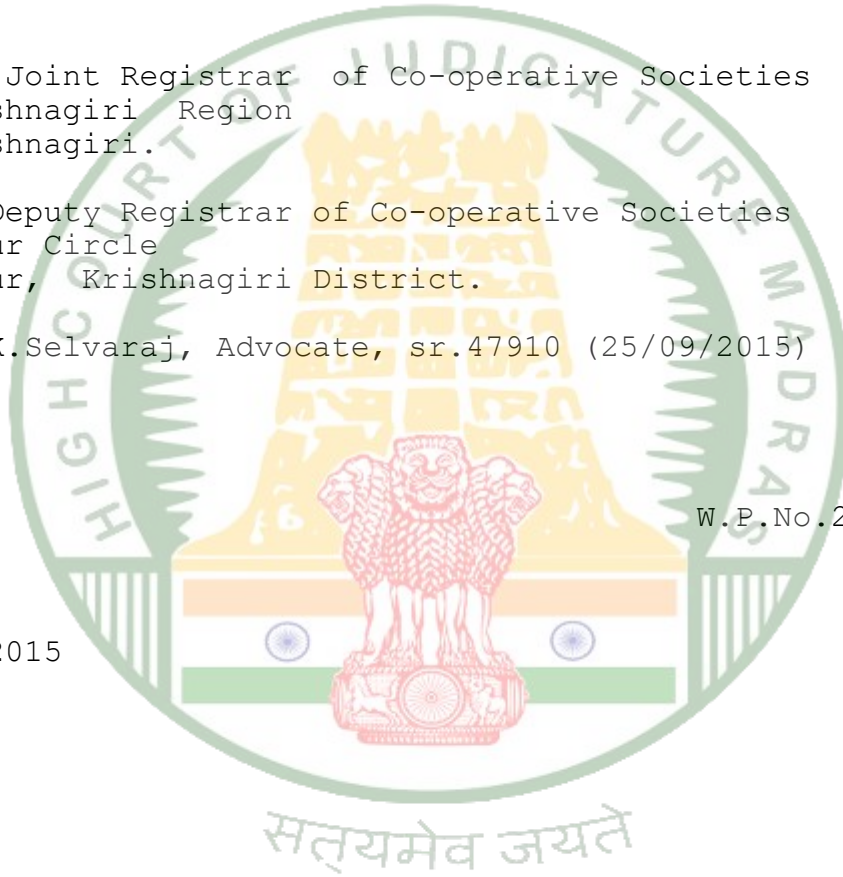
Rj

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 K.Selvaraj, Advocate, sr.47910 (25/09/2015)

ku (co)
pmk.22.9.2015

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