

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 10.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.28489/2015

R.Nandagopal

... Petitioner

Versus

1.The Registrar of Cooperative Societies
NVN Maligai, No.170, EVR Periyar Salai
Keezhpakkam, Chennai-10.

2.The Joint Registrar of Cooperative Societies
Villupuram Region, Villupuram.

3.The Deputy Registrar
Cooperative Societies, Tirukoilur.

4.The President
Tirunavalur Farmers Cooperative Society
Tirunavalur, Villupuram District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents 1 to 3 to issue suitable directions to the 4th respondent for reinstating the petitioner in the same post of Secretary of the 4th respondent Cooperative Society with all consequential benefits.

For Petitioner : Mr.N.Suresh

For RR 1 to 4 : Mr.L.P.Shanmugasundaram
Spl.GP [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 Secretary in the services of Tirunavalur Farmers Cooperative Society, faced departmental proceedings as well as criminal prosecution was also

launched against him in CC.Nos.26, 27 and 28 of 2004 on the file of the Court of Judicial Magistrate No.2, Ulundurpet. In the departmental proceedings, charges were framed against the petitioner and were held to be proved and he was dismissed from service by the then Board of Directors of the 4th respondent society. The petitioner would state that the criminal prosecution in the form of the above calendar cases had ended in honourable acquittal vide judgment dated 27.06.2013 and in this regard, the petitioner submitted series of representations and the 4th respondent in response to the same, sent a communication dated 25.09.2014 and would submit that since surcharge proceedings are also pending, appropriate guidance has been sought for from the jurisdictional Deputy Registrar, Tirukoilur and thereafter, further decision would be taken. The petitioner submitted number of representations and last of such representation was submitted on 15.03.2015 to the 1st respondent and since no orders have been passed, the petitioner came forward to file this writ petition.

3 Mr.N.Suresh, the learned counsel appearing for the petitioner would submit that since the departmental proceedings as well as the criminal prosecution are based upon the same set of allegations and since the petitioner has been honourably acquitted in the criminal cases in CC.Nos.26 to 28/2004 by the Court of Judicial Magistrate No.2, Ulundurpet, there may not be any impediment on the part of the 4th respondent to reinstate the petitioner in service and confer him with all consequential benefits.

4 Per contra, Mr.L.P.Shanmugasundaram, learned Special Government Pleader [Cooperatives] who accepts notice on behalf of the respondents 1 to 4, would submit that the petitioner, after fullfledged enquiry, was dismissed from service during the year 2008 and no challenge has been made to the said order of dismissal and without disclosing the material fact, the petitioner has filed this writ petition and he would further submit that surcharge proceedings are also pending against the petitioner and therefore, he is not entitled to get any relief in this writ petition and hence, prays for dismissal of the same. सत्यमेव जयते

5 This Court considered the rival submissions made on either side and also perused the materials placed on record.

6 Though the petitioner has sought for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in this writ petition or in his representation, directs the 2nd respondent to consider and dispose of the petitioner's representation dated 15.03.2015 on merits and in accordance with law and pass orders 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 herein.

7 The writ petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1.The Registrar of Cooperative Societies
NVN Maligai, No.170, EVR Periyar Salai
Keezhpakkam, Chennai-10.
- 2.The Joint Registrar of Cooperative Societies
Villupuram Region, Villupuram.
- 3.The Deputy Registrar
Cooperative Societies, Tirukoilur.
- 4.The President
Tirunavalur Farmers Cooperative Society
Tirunavalur, Villupuram District.

+1 cc to Mr.N.Suresh Advocate sr.49541

+1 cc to Mr.L.P.ShanmugaSundaram Advocate sr.49344

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सत्यमेव जयते

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