

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.29275 of 2015

P.Mathiyazhagan

.. Petitioner

Vs

1. The Joint Registrar of Co-operative Societies, Salem Region, Salem, Salem District.

2. The President,
S.411, Suramangalam Primary Agricultural Cooperative Credit Society,
Suramangalam, Salem - 5.

.. Respondents

Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of certiorarified mandamus to call for the entire records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.No.7071/2015 Sa.Pa dated 24.08.2015 and quash the same consequently directing the first respondent to dispose the Statutory Revision filed under Section 153 of the Tamil Nadu Cooperative Societies Act, 1983 by the petitioner on 07.08.2015 within a stipulated time.

For Petitioners .. Mr.C.Prakasam

For Respondents .. Mr.R.Balaramesh,
Addl. Govt. Pleader (Co.op)

ORDER

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

2. The petitioner, while working as Salesman in the services of Ariyagoundenpatti Fair Price Shop, was involved in the commission of the offence punishable under Section 302 I.P.C. and he was prosecuted for the commission of the offence punishable under Section 304 (II) r/w 109 I.P.C. and was sentenced to undergo imprisonment for a period of ten years and he has also preferred an appeal and this Court

suspended the substantive sentence of imprisonment. The petitioner was suspended from service and challenging the order of suspension, he filed W.P.No.16904 of 2015 and the same is pending and no interim orders have been passed. The petitioner was also terminated from service and challenging the legality of the order, he filed a revision before the first respondent and it was rejected on 24.08.2015 stating that since W.P.No.16904 of 2015 is pending, it cannot be taken up.

3. Mr.C.Prakasam, learned counsel appearing for the petitioner would submit that admittedly, W.P.No.16904 of 2015 is nothing to do with this matter for the reason it came to be filed, challenging the order of suspension and admittedly, no interim orders have been passed and since the petitioner has been terminated from service and subsequently, he has filed a revision, challenging the same and hence prays for setting aside the order and dispose of the revision on merits.

4. The Court heard the submissions of Mr.R.Balaramesh, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

5. It is not seriously disputed that the petitioner was placed under suspension and challenging the legality of the same, he has filed W.P.No.16904 of 2015 and while the said writ petition was entertained, no interim order was passed and thereafter, the petitioner was removed from service and challenging the same, he has filed a revision before the first respondent and it was rejected on the ground of pendency of the writ petition in W.P.No.16904 of 2015. In the considered opinion of the Court, the pendency of W.P.No.16904 of 2015 is not a bar for the first respondent from exercising his jurisdiction to decide the revision filed by the petitioner, challenging the order of termination.

6. In the result, the writ petition is allowed and the impugned order dated 24.08.2015 is set aside and the first respondent is directed to entertain the statutory revision filed by the petitioner under Section 153 of the Tamil Nadu Co-operative Societies Act and dispose of the same on merits and in accordance with law, within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. No costs.

mmi

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

1. The Joint Registrar of Co-operative Societies, Salem Region, Salem, Salem District.
2. The President,
S.411, Suramangalam Primary Agricultural Cooperative Credit Society,
Suramangalam, Salem - 600 005.

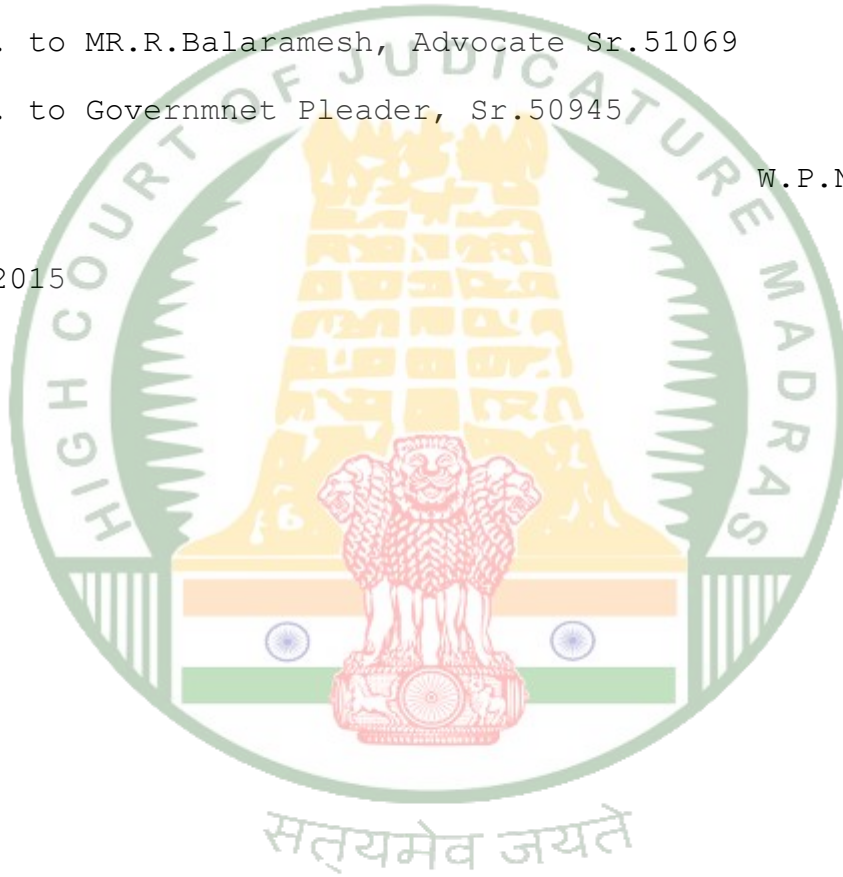
+1 C.C. to MR.C.Prakasam, Advocate Sr.51034

+1 C.C. to MR.R.Balaramesh, Advocate Sr.51069

+1 C.C. to Governmnet Pleader, Sr.50945

W.P.No.29275 of 2015

SRG(CO)
sd : 05/10/2015



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