

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition No.29790 of 2015

D.Kathiresan

... Petitioner

Vs.

1 The Special Officer cum
Managing Director,
T.N. Handloom Weavers'
Co-op. Society Ltd.,
350, Pantheon Road,
Egmore, Chennai 8

3 The General Manager (Admn.)
T.N. Handloom Weavers'
Co-op. Society Ltd.
350, Pantheon Road,
Egmore, Chennai 8

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the second respondent's proceedings in Rc.No.A/2010/A3, dated 16.02.2010 which was confirmed in the Order in Rc.No.A/2012/A3 dated 14.09.2012, to quash the same and to direct the respondents to give the proportionate service and monetary benefits to the petitioner.

For Petitioner : Mr. M.Muthappan

For Respondents : Mr. R.Bala Ramesh, AGP.,

O R D E R

Mr.R.Bala Ramesh, learned Additional Government Pleader, takes notice for the respondents. By consent of the learned counsel for both sides, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner while working as a Driver in the services of the Tamil Nadu Handloom Weavers' Cooperative Society Limited, Egmore, Chennai, was placed under suspension on 28.04.2006 for the alleged theft of two old iron gates. In this regard, a case in Crime No.826 of 2006 was also registered by the Egmore Police Station, Chennai, for the alleged commission of offence under Section 379 IPC. Pending the said criminal case, the petitioner was issued with a charge memo dated 20.06.2006, for which he has submitted his explanation. The

petitioner was honourably acquitted in the said criminal case. However, the disciplinary proceedings continued against the petitioner which ultimately resulted in the punishment of stoppage of increment for one year with cumulative effect, vide order dated 16.02.2010. Aggrieved over the same, the petitioner has preferred an Appeal before the Managing Director and it was rejected by a proceedings, dated 14.09.2012. Challenging the legality of the same, this writ petition has been filed by the petitioner.

3. The learned counsel for the petitioner would submit that since a stand has been taken by the respondents / Management that the petitioner did not choose to challenge the order, dated 14.09.2012 and it has reached the finality, the petitioner is constrained to approach this Court by filing this writ petition, challenging the legality of his punishment.

4. Per contra, the learned Additional Government Pleader, who accepts notice on behalf of the respondents would submit that the petitioner is having an effective alternative remedy of appeal provision under Section 153 of the Tamil Nadu Cooperative Societies Act, 1983 to the Director of the Tamil Nadu Handloom and Textiles and therefore, prays for dismissal of this writ petition.

5. This Court heard the submissions of the learned counsel for the both sides and perused the materials available on record.

6. Though the petitioner prayed for a larger relief, this Court in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner, hereby permits the petitioner to file a Revision to the Director of the Tamil Nadu Handloom and Textiles, Chennai, challenging the legality of the order, dated 14.09.2012 passed by the second respondent within a period of two weeks from the date of receipt of a copy of this order and the said official, on receipt of the same, is directed to entertain the said revision, (if the papers are otherwise in order and without putting the issue of limitation) and give disposal to the said Revision, in accordance with law within a period of ten weeks thereafter and communicate the decision taken to the petitioner.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

srk

Note to office.:

Office is directed to return the original impugned order to the learned counsel for the petitioner on getting proper acknowledgment and endorsement.

To

1. The Special Officer cum Managing Director,
T.N. Handloom Weavers' Co-op. Society Ltd.,
350, Pantheon Road, Egmore, Chennai 8
2. The General Manager (Admn.)
T.N. Handloom Weavers' Co-op. Society Ltd.
350, Pantheon Road,
Egmore, Chennai 8
3. The Director, Tamil Nadu Handloom and Textiles,
(Appellate Authority)
Egmore, Chennai.

+1cc to Mr.Bala Ramesh, Advocate, S.R.No.51733

+1cc to Mr.Muthappan, Advocate, S.R.No.51515

+1cc to the Government Pleader, S.R.No.51883

MG(CO)

EU(05/10/2015)

W.P.No.29790 of 2015

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