

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.35288 of 2015

and

M.P.Nos.1 and 2 of 2015

G.Rathinam

...

Petitioner

Vs.

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

2. The President,
C-2143, Andiyappanur Primary Agricultural
Andiyappanur Post,
Vaniyampadi Taluk,
Vellore District

...

Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the order passed in the revision petition in Na.Ka.1142/2015 A2 (See.Ma.No.15/2015 A2) dated 12.10.2015 on the file of the 1st respondent confirming the order of dismissal of the petitioner passed by the 2nd respondent dated 19.05.2014 and quash the same.

For Petitioner : Mr.S.Doraisamy
For Respondents : Mr. L.P.Shanmugasundaram
Special Government Pleader

O R D E R

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

2. This Writ Petition has been filed challenging the order passed by the first respondent dated 12.10.2015, whereby the revision petition filed by the petitioner was rejected.

3. When the petitioner was working as a Secretary under the second respondent, a disciplinary proceeding was initiated against him and he was dismissed from services by the order of the second respondent dated 19.05.2014. Challenging the said order, the petitioner has preferred the revision before the first respondent and the first respondent vide order dated 12.10.2015 has rejected the revision petition filed by the petitioner. Challenging, the same the present Writ Petition has been filed.

4. Heard Mr.S.Doraisamy learned counsel for the petitioner and Mr.L.P.Shanmugasundaram, learned Special Government Pleader who accepts notice on behalf of the respondents.

5. The learned counsel appearing for the petitioner would submit that as per Section 153 (2) of the Co-operative Societies Act, the petitioner is entitled for hearing before disposing of the revision. However, in this case admittedly the first respondent without following the statutory provision has rejected the case of the petitioner and therefore the order of the first respondent dated 12.10.2015 is liable to be set aside.

6. The learned Special Government Pleader appearing for the respondents has fairly admitted that the revision of the petition was rejected without giving opportunity of being heard.

7. Since the petitioner has challenged the order of dismissal before the first respondent under Section 153 of the Co-operative Societies Act, this Court is of the view that the petitioner should be given an opportunity of being heard before passing the final orders. As admitted by the learned counsel for the respondents, the first respondent has dismissed the revision petition without hearing the petitioner.

8. In such view of the matter, the order of the first respondent is liable to be set aside and the same is set aside and the matter is remanded back to the first respondent for fresh disposal and the first respondent shall dispose of the revision of the petition filed by the petitioner, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

9. In the result, the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Joint Registrar of
Co-operative Societies,
Vellore,
Vellore District.
2. The President,
C-2143, Andiyappanur Primary Agricultural
Andiyappanur Post,
Vaniyampadi Taluk,
Vellore District

+1 cc to Mr.S.Doraisamy Advocate sr.62130
+1 cc to Mr.L.P.Shanmugasundaram Advocate sr.62217
+ 1 cc to The Govt.Pleader, Sr 62314 (8/1/16)

W.P.No.35288 of 2015

aa17/11/2015

सत्यमेव जयते

WEB COPY