

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.35542 of 2016  
and

W.M.P.No.30554 of 2016

M.Nallathambi .... Petitioner

Vs.

1. Joint Registrar of Co-operative Societies,  
Salem Region,  
Salem.
2. The President,  
S-1319, Settimankurichi Primary Agricultural  
Co-operative credit Socetty Limited.,  
Settimankurichi Post,  
Edapadi via, Salem District.
3. Vellaiyan,  
The President,  
S.1319, Settimankurichi Primary Agricultural  
Co-operative credit Society Limited.,  
Settimankurichi Post,  
Edapadi Via, Salem District. ... Respondents

Prayer :

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of suspension dated 02.07.2016 passed by the second respondent and quash the same and consequently directing the respondent to reinstate the petitioner and regularize the period of suspension as duty.

|                 |                                                                |
|-----------------|----------------------------------------------------------------|
| For Petitioner  | : Mr.R.Nalliyappan                                             |
| For Respondents | : Mr.L.P.Shanmughasundaram<br>Spl. G.P.(Co-op),<br>for R1 & R2 |

## O R D E R

With the consent on both sides, the writ petition itself is taken up for final disposal.

2. The writ petition has been filed seeking Certiorarified Mandamus to call for the records pertaining to the impugned order of suspension dated 02.07.2016 passed by the second respondent and quash the same and consequently directing the respondents to reinstate the petitioner and regularize the period of suspension as duty.

3. It is the case of the petitioner that the petitioner was appointed as Salesman in the year 1994 under the second respondent and later, he was promoted as Jewel Appraiser in the year 1995 and he is discharging his service for more than 24 years. The petitioner was deputed as Salesman in the Kathikanaganur Ration Shop. While so, on 11.06.2016 and 12.06.2016, the petitioner made an application for leave before the Cashier of the 2<sup>nd</sup> respondent, but, he refused to receive the same and he advised the petitioner to get consent from the 2<sup>nd</sup> respondent. As 11.06.2016 falls on second Saturday, holiday of the ration shop, the petitioner handed over the key to the Salesman requesting him to hand over the said keys in the head office and went to Kuladeiva Temple Pooja. Pursuant to the proceedings of the 2<sup>nd</sup> respondent in the order dated 01.07.2016, the petitioner was relieved from the ration shop and was directed to join duty under the 2<sup>nd</sup> respondent as a Jewell Appraiser. The petitioner immediately after handing over the charges to the regular salesman of the said ration shop, joined in the second respondent society.

4. On 03.07.2016, the 3<sup>rd</sup> respondent and others asked the petitioner to make wrong entry in the register as if the petitioner has sold 400 kilograms of PDS rice to certain ration card holders. As the petitioner refused to do the same, the 3<sup>rd</sup> respondent and others attacked the petitioner and caused injuries. Immediately, the petitioner was admitted in the Government Hospital, Edapadi. While so, the Sub-Inspector of Police, Edapadi Police Station recorded the statement of the petitioner and registered a case in Crime No.232 of 2016 under Sections 294(b), 323, 324, and 506(i) IPC. The 3<sup>rd</sup> respondent also lodged a complaint against the petitioner as a counter blast which was registered in Crime No.231 of 2016. In the meantime, the 3<sup>rd</sup> respondent by an order dated 02.07.2016 suspended the petitioner without giving any reason to suspend the petitioner. Hence, the petitioner has come forward with the present writ petition.

5. When the matter was taken up for consideration, learned counsel for the respondents submitted that the petitioner has an alternative remedy of Revision under Section 153 of Co-Operative Societies Act, 1983 before the first respondent.

6. In view of the submission of the learned Special Government Pleader, this Court directs the petitioner to file a Revision under Section 153 of Co-Operative Societies Act 1983, before the first respondent, within a period of two weeks from the date of receipt of a copy of this order, along with a copy of this order and on receipt of the same, the first respondent is directed to consider the same and pass appropriate order on merits and in accordance with law within a period of four weeks thereafter. The writ petition is disposed of accordingly. No costs. Consequently connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. Joint Registrar of Co-operative Societies,  
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3. Vellaiyan,  
The President,  
S.1319, Settimankurichi Primary Agricultural  
Co-operative credit Society Limited.,  
Settimankurichi Post,  
Edapadi Via, Salem District.

+1cc to Mr.L.P. Shanmugasundaram, Advocate, S.R.No.61231  
+1cc to Mr.R. Nalliyappan, Advocate, S.R.No.60876  
+1cc to the Government Pleader, S.R.No.61717

ca (CO)  
md (7/11/2016)

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