

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2016

CORAM

THE HON'BLE Mr. JUSTICE M.SATHYANARAYANAN

W.P.No. 42787 of 2016

and

WM.P.No.36715 of 2016

M.Chinnakannu

...Petitioner

-Vs-

1. The Joint Registrar of Cooperative Societies,
Kancheepuram Region, Kancheepuram,
Kancheepuram District.
 2. The Deputy Registrar of Cooperative Societies,
Kancheepuram Circle, Kancheepuram,
Kancheepuram District.
 3. The President,
G.1708 Pitchivakkam Primary agricultural
Co-operative Credit Society,
Pitchivakkam Village & Post - 631 553,
Sriperumbudur Taluk,
Kancheepuram District.
- ...Respondents

This petition is filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the 2nd respondent in his proceedings Na.K.3925/2015/B1 dated 23.02.2016 and consequential order passed by the 3rd respondent in his proceedings No.Nil, dated 26.02.2016 and quash the same and consequently direct the respondents to reinstate the petitioner into service with all backwages, monetary benefits and other benefits.

For Petitioner : Mr.C.Prakasam
For Respondents : Mr.L.P.Shanmugasundaram,
Spl.G.P. (Co.op.)

O R D E R

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

2. The petitioner was appointed as a Clerk in the service of the 3rd respondent Society on 26.07.1989 and got promoted as a Secretary in the year 1992. The petitioner would state that while he was discharging his duty as the Secretary, the Government had sanctioned flood relief funds for agriculturists and accordingly, Rs.1,53,61,221/- was received by the 3rd respondent Society to distribute the same to the eligible farmers/members who were affected due to heavy rain and loss of crops. It is the specific case of the petitioner that the disbursement was done as per the list and he has no role to play at all. However, the 2nd respondent had sent a communication dated 23.2.2016 directing the 3rd respondent to take disciplinary action against the petitioner. Accordingly, the 3rd respondent vide proceedings dated 26.2.2016, placed the petitioner under suspension and challenging the legality of the same, he came forward to file the writ petition.

3. Mr.C.Prakasam, learned counsel for the petitioner has drawn the attention of the Court to Section 136(d)(25) of the Tamil Nadu Co-operative Societies Act, 1983 and would submit that in the light of the said provision, it is for the 3rd respondent to act independently and the 2nd respondent cannot issue any direction to the 3rd respondent to act in a particular manner and prays for quashment of the impugned order.

4. Per contra, Mr.L.P.Shanmugasundaram, learned Special Government Pleader (Co-op.) who accepts notice for the respondents would submit that under the provisions of the Act, the 2nd respondent can issue appropriate direction to the 3rd respondent for the best interest of the Institution and accordingly, such direction was given and prays for dismissal of the writ petition.

5. This Court, considered the rival submissions and also perused the materials placed before this Court.

6. Though the petitioner has prayed for larger relief, considering the facts and circumstances of the case and the merits of the claim projected by the petitioner, this Court permits the petitioner to submit a representation to the 2nd and 3rd respondents for revocation of the order of suspension by drawing their attention to the bye-laws as well as Section 136 (d)(25) of the Tamil Nadu Co-operative Societies Act, 1983, within a period of two weeks from the date of receipt of a copy

of this order and the 2nd and 3rd respondents, on receipt of the same are directed to consider the said representation and pass orders on merits and in accordance with law within a further period of six weeks thereafter and communicate the decision taken to the writ petitioner. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vsi

To

1. The Joint Registrar of Cooperative Societies,
Kancheepuram Region, Kancheepuram,
Kancheepuram District.
2. The Deputy Registrar of Cooperative Societies,
Kancheepuram Region, Kancheepuram,
Kancheepuram District.

+1 cc to Mr.L.P.Shanmugasundaram Advocate sr 72344
+1 cc to Mr.C.Prakasam Advocate sr 72308
+1 cc to the Government Pleader sr 72241

W.P.No.42787 of 2016

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