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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2016

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD)No.23375 of 2016

and

W.M.P(MD)No.16857 of 2016

N.Shanmugam

... Petitioner

vs.

1)The Joint Registrar of Cooperative Societies,
2nd Floor West, Velunatchiar Valagam,
District Collector Office,
Dindigul.

2)The Deputy Registrar of Cooperative Societies,
Palani Circle,
11/223, Raja Nagar,
Lakshmipuram,
Palani, Dindigul District-624 601.

3)The Managing Director/Deputy Registrar,
A-331, Palani Cooperative Urban Bank Limited,
5, Dindigul Road,
Palani-624 601, Dindigul District.

4)The Director of Cooperative Audit,
No.5, Kamarajar Salai,
Chennai-600 005.

5)The Assistant Director of Cooperative Audit,
2nd Floor East Velunatchiar Valagam,
District Collector Office,
Dindigul.

...Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing 4th and 5th respondent to revise the audit objection in view of the Inspection Report dated 27.03.2014 and the letter of the second respondent vide Na.Ka.3459/2015 Ni Va dated 03.12.2015 and remove the audit objection in respect of the petitioner's scale of pay and consequently direct the respondents 1 to 3 to provide revision of scale of pay in pursuance of the Circular No.10/2014 (Na.Ka.34320/2012 Na Va 3 dated 28.02.2014 of the Registrar of Cooperative Societies within a time frame.



For Petitioner
For Respondents

: Mr.D.Shanmugaraja Sethupathi
: Mr.S.Sathish Kumar
Additional Government Pleader

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ORDER

The prayer in this writ petition is for issuance of a Writ of Mandamus, directing 4th and 5th respondents to revise the audit objection, in view of the Inspection Report, dated 27.03.2014, and the letter of the second respondent vide Na.Ka.3459/2015 Ni Va dated 03.12.2015 and remove the audit objection in respect of the petitioner's scale of pay and consequently, direct the respondents 1 to 3 to provide revision of scale of pay in pursuance of the Circular No.10/2014 (Na.Ka.34320/2012 Na Va 3 dated 28.02.2014 of the Registrar of Cooperative Societies within a time frame.

2.The prayer sought for by the petitioner as such, cannot be granted. It is for the department to consider the request of the petitioner. The administrative decision of the respondents cannot be interfered with, unless it is proved that there are *mala fides* or there is illegality. The prayer in this writ petition is also not properly worded.

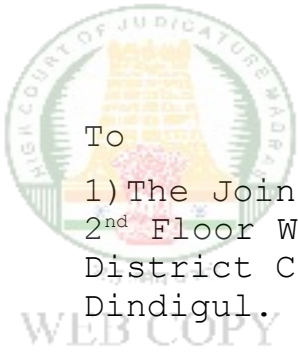
3.The petitioner has made a representation dated 14.09.2016, requesting the respondents to revise the audit objection. It is contended by the petitioner that the respondents ought to have considered the Inspection Report under Section 82 of the Tamil Nadu Cooperative Societies Act, with regard to fixation of pay applicable to him and the revision, if any.

4.Be that as it may, without going into the merits of the claim made by the petitioner, the respondents 4 and 5 are directed to consider the representation of the petitioner dated 14.09.2016, seeking to revise the audit objection, in the light of the Inspection Report under Section 82 of the Tamil Nadu Cooperative Societies Act, if applicable, and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. Any observation made in this order, is only for the purpose of disposal of this writ petition and it will have no bearing on the authorities concerned, who shall independently consider the representation of the petitioner dated 14.09.2016, *de hors* the observations made herein.

With the above direction, this Writ Petition stands disposed of. No costs. Consequently, W.M.P(MD)No.16857 of 2016 is closed.

Sd/-

Assistant Registrar (P&A)



To

1) The Joint Registrar of Cooperative Societies,
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2) The Deputy Registrar of Cooperative Societies,
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4) The Director of Cooperative Audit,
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5) The Assistant Director of Cooperative Audit,
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District Collector Office,
Dindigul.

+1 cc to M/s.D.Shanmugaraja Sethupathy, Advocate in SR.No.83009
+1 cc to M/s. Special Government Pleader in SR.No.83485

nbi

TTN/SS2-KSM/11.01.2017 : 3P-8C

W.P. (MD) No.23375 of 2016
22.12.2016