

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.8266 of 2014
and
M.P. Nos. 1 & 2 of 2014

D.Sathyamoorthy

... Petitioner

Vs.

1.The Joint Registrar of
Cooperative Societies
Uthagamandalam
Ooty - 643 001.

2.The Deputy Registrar of
Cooperative Societies
Uthagamandalam
Ooty - 643 001.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for records relating to the 2nd respondent's proceedings made in Na.Ka. No. 930/2013/ni.va dated 31.01.2014, to quash the same and consequently direct the respondents to hold the enquiry afresh after affording the opportunity by furnishing all the documents relied upon and as provided under the Rules and to pass further orders.

For Petitioner : Mr. L. Chandrakumar

For Respondents : Mr. V. Selvaraj

ORDER

The petitioner has filed this writ petition seeking to quash the proceedings of the 2nd respondent in No. 930/2013/ni.va dated 31.01.2014 and consequently direct the respondents to hold the enquiry afresh after affording the opportunity by furnishing all the documents relied upon and as provided under the Rules

2. Learned counsel for the petitioner submitted that while the petitioner was working as a Secretary in the Nilgiris

District Teachers Co-operative Thrift and Credit Society, was placed under suspension, alleging certain discrepancies in his services and an inquiry under Section 81 and 82 of the Co-operative Societies Act and Rules was initiated. According to the petitioner, initiation of the enquiry itself is without any basis. Hence, aggrieved by the order of the 2nd respondent dated 31.01.2014, served on the petitioner, along with the enquiry report calling upon the disciplinary authority to initiate action and ultimately impose an order of reversion against the petitioner, is under challenge in this writ petition.

3. The learned Additional Government Pleader would further submit that against the order passed under Rule 87 of the Tamil Nadu Cooperative Societies Act, the aggrieved persons in the individual capacity have preferred appeals before the Tribunal. Hence, this writ petition is not maintainable.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the material available on record.

5. In view of the statement made by the learned counsel for the petitioner that proceedings under Section 81 cannot be initiated during the pendency of the writ petitions, which has a bearing for a further process in the issue and that Section 81 enquiry can be proceeded only after proper auditing, the present writ petition filed in the capacity of President of the Nilgiris District Teachers Co-operative Thrift & Credit Society, Uthagamandalam, and now that the society has been dissolved and an Administrator has been appointed, the present Writ Petition itself is not maintainable before this Court.

6. Therefore, the Writ Petition is dismissed as not maintainable. Consequently, the connected M.Ps are closed. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

avr

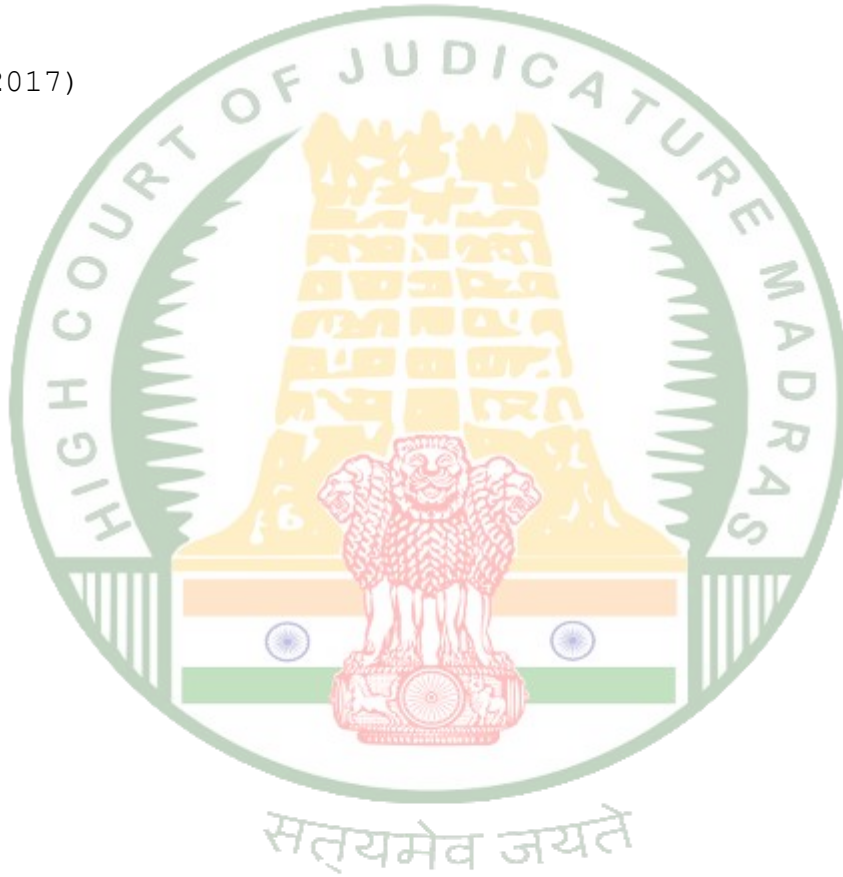
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+1cc to the Government Pleader, S.R.No.40054

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and
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BR(CO)
CA(28/07/2017)



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