

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:25.04.2017

CORAM

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.8463 of 2017

WMP.No.9260/17

V.Chinnasamy,
S/o Vellaiappan,
President,
No.123, Adhikarapatty Primary Agricultural
Co-operative Credit Socceity,
Adhikarapatty Post,
Pappireddypatty Taluk,
Dharmapuri District 636 905. ... Petitioner

/versus/

- 1.The Registrar of Co-operative Societies,
Kilpauk, Chennai 600 010.
- 2.The Joint Registrar of Co-operative Societies,
Dharmapuri.
- 3.The Deputy Registrar of Co-operative Societies,
(Full Additional Charges),
Dharmapuri. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records of the 3rd respondent relating to orders in (1) Na.Ka.No.12270/96/Sa.Pa1(1) dated 08.03.2017 and (2) Na.Ka.No.12270/96/Sa.Pa.1 (2) dated 08.03.2017 and quash the same.

For Petitioner :Mr.G.Punniakoti

For Respondents:Mr.V.Selvaraj, AGP for R1 to R3

O R D E R

The prayer in these writ petitions is to issue a Writ of Certiorari calling for the records of the 3rd respondent relating to orders in (1) Na.Ka.No.12270 /96/ Sa.Pa1 (1), dated 08.03.2017 and (2) Na.Ka.No.12270/96/Sa.Pa.1 (2), dated 08.03.2017 and quash the same.

2. According to the petitioner, one Kamaraj, who was working as a Clerk in the petitioner's Society, was convicted in C.C.No.93 of 2008 dated 31.12.2014 on the file of the District Munsif-cum-Judicial Magistrate, Pappireddypatti. Against the said conviction order dated 31.12.2014, the said Kamaraj had filed an appeal in Criminal Appeal No.73 of 2015 before this Court. The sentence of imprisonment alone was suspended by this Court and he was released on bail. Thereafter, the said Kamaraj made a representation on 16.02.2015 requesting the Society to re-appoint him. The Board of Directors of the Society have considered the request of the aforesaid Kamaraj and passed a detailed resolution dated 25.02.2015 allowing the said Kamaraj to continue in service and the fact was also reported to the Deputy Registrar, Cooperative Societies, Dharmapuri on the same day. At this juncture, based on the report dated 17.02.2017 sent by the Cooperative of Sub Registrar/Field Officer, the third respondent has issued the impugned orders, which are improper and illegal and the same are liable to be quashed.

3. The learned Additional Government Pleader appearing for the respondents would submit that the third respondent had issued show cause notices to the petitioner to submit his explanation within a period of fifteen days time from the date of receipt of a copy of the order. Without submitting his explanation, the petitioner has approached this Court by way of filing this writ petition challenging the impugned show cause notices dated 08.03.2017. At this stage, the writ petition is not maintainable and the same may be dismissed.

4. Heard the rival submissions made by the learned counsel appearing for the parties and perused the materials available on record.

5. Admittedly, the petitioner has challenged the impugned show cause notices dated 08.03.2017 before this Court. In the show cause notices, the third respondent has directed the petitioner to submit his explanation within a period of fifteen days from the date of receipt of a copy of the order. According to the petitioner, one Kamaraj, who was dismissed from service in pursuance to the conviction in C.C.No.93 of 2008 dated 31.12.2014. Against the said order dated 31.12.2014, the said Kamaraj has preferred the appeal in CrI.A.No.73 of 2015 before this Court. This Court has suspended the sentence of imprisonment alone and he was released on bail pending disposal of the appeal. Subsequently, the said Kamaraj made a representation to the petitioner and the Board of Directors have considered his request and re-instated in service as a Clerk. Therefore, the third respondent has issued show cause notices to the petitioner to submit his explanation. At this stage, this Court is not inclined to interfere with the impugned show cause notices issued by the third respondent. Hence, the writ petition is liable to be dismissed.

6. Accordingly, this writ petition is dismissed with liberty to the petitioner to submit his explanation for the impugned show cause notices dated 08.03.2017 within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To

1.The Registrar of Co-operative Societies,
Kilpauk, Chennai 600 010.

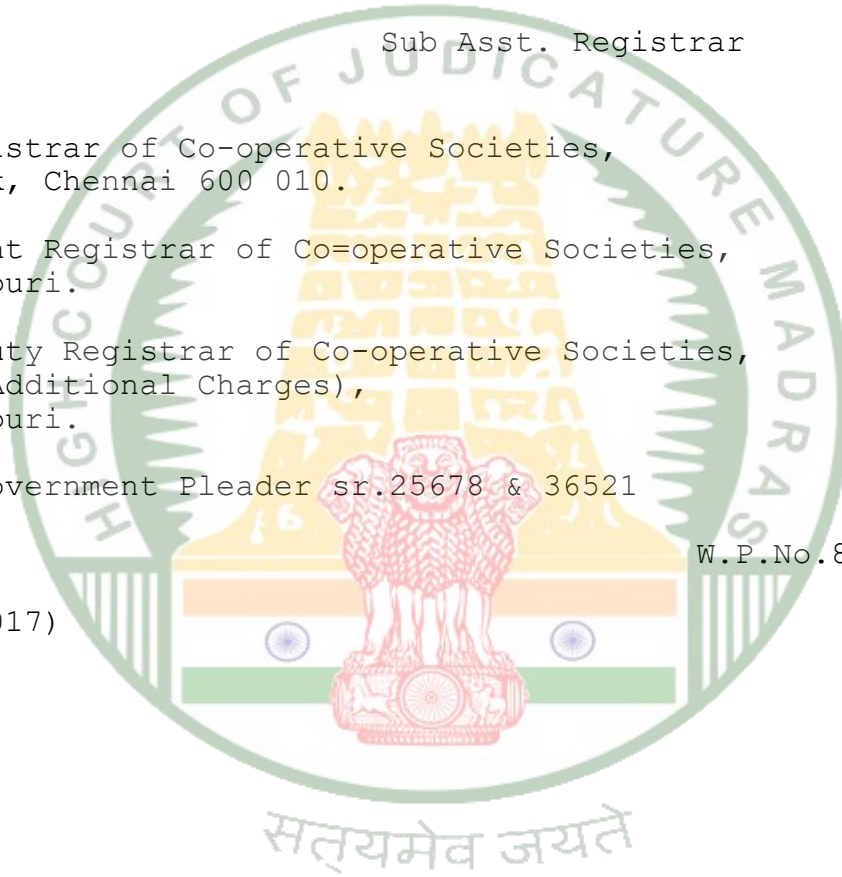
2.The Joint Registrar of Co-operative Societies,
Dharmapuri.

3.The Deputy Registrar of Co-operative Societies,
(Full Additional Charges),
Dharmapuri.

+1cc to Government Pleader sr.25678 & 36521

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skv(co)
ss(23/5/2017)



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