

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2017

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. No.14135 of 2017

S. Geetha

Petitioner

vs.

1 The Joint Registrar of Cooperative Societies
Cuddalore

2 The President
Cuddalore and Villupuram Districts Treasuries
and Accounts Department Employees Cooperative
Credit and Thrift Society
Cuddalore

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to instruct the second respondent to implement the order of the first respondent in Pro.Na.Ka.No.1040/2016/Thiru. Va. Tha.1 dated 18.11.2016 and reinstate the petitioner in service forthwith.

For petitioner Mr. K. Govindaraj

For respondents Mr. L.P. Shanmugasundaram
Special Government Pleader

ORDER

With consent, this writ petition is taken up for final disposal.

2 This writ petition has been filed seeking a writ of mandamus directing the first respondent to instruct the second respondent to implement the order of the first respondent dated 18.11.2016 and reinstate the petitioner in service forthwith.

3 According to the petitioner, she was appointed as Clerk in the Cuddalore-Villupuram District Treasuries and Accounts Department Employees Cooperative Credit and Thrift Society Ltd., Cuddalore, the second respondent, on 12.11.1992 and was subsequently promoted as Secretary of the second respondent society. In view of certain lapses, an enquiry under Section 81 of the Tamil Nadu Cooperative Societies Act, 1983, was conducted

and she was also placed under suspension on 21.06.2012 by the Special Officer of the society. Subsequently, a charge memo was also issued to the petitioner on 08.01.2013 containing false and baseless charges and ultimately, the petitioner was dismissed from service by order dated 17.02.2016. The said order was appealed before the Joint Registrar of Cooperative Societies, Cuddalore, the first respondent herein, who, exercising his revisional power, by order dated 18.11.2016, set aside the order of dismissal dated 17.02.2016, modifying the penalty into one of stoppage of increment for 3 years without cumulative effect. Therefore, the second respondent ought to have reinstated the petitioner forthwith. In spite of representation dated 24.12.2016 being given by the petitioner, the second respondent has not implemented the order passed by the first respondent. Therefore, the petitioner has addressed another representation dated 17.02.2017 to the first respondent to direct the second respondent to reinstate her by implementing the order passed by the first respondent. Finding no response to the said representation, the petitioner has filed the present writ petition.

4 Mr. L.P. Shanmugasundaram, learned Special Government Pleader appearing for the respondents sought two weeks time to consider the petitioner's representation and pass orders thereon.

5 Since the order of dismissal dated 17.02.2016 passed against the petitioner has been set aside by the first respondent and an order of stoppage of increment for three years without cumulative effect has been passed by the first respondent on 18.11.2016, the second respondent is bound to reinstate the petitioner in service within a period of two weeks from the date of receipt of a copy of this order, provided, there is no appeal pending as against the said order passed by the first respondent.

With the above direction, this writ petition stands disposed of. Costs made easy.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

To

1 The Joint Registrar of Cooperative Societies
Cuddalore

2 The President
Cuddalore and Villupuram Districts Treasuries
and Accounts Department Employees Cooperative
Credit and Thrift Society
Cuddalore

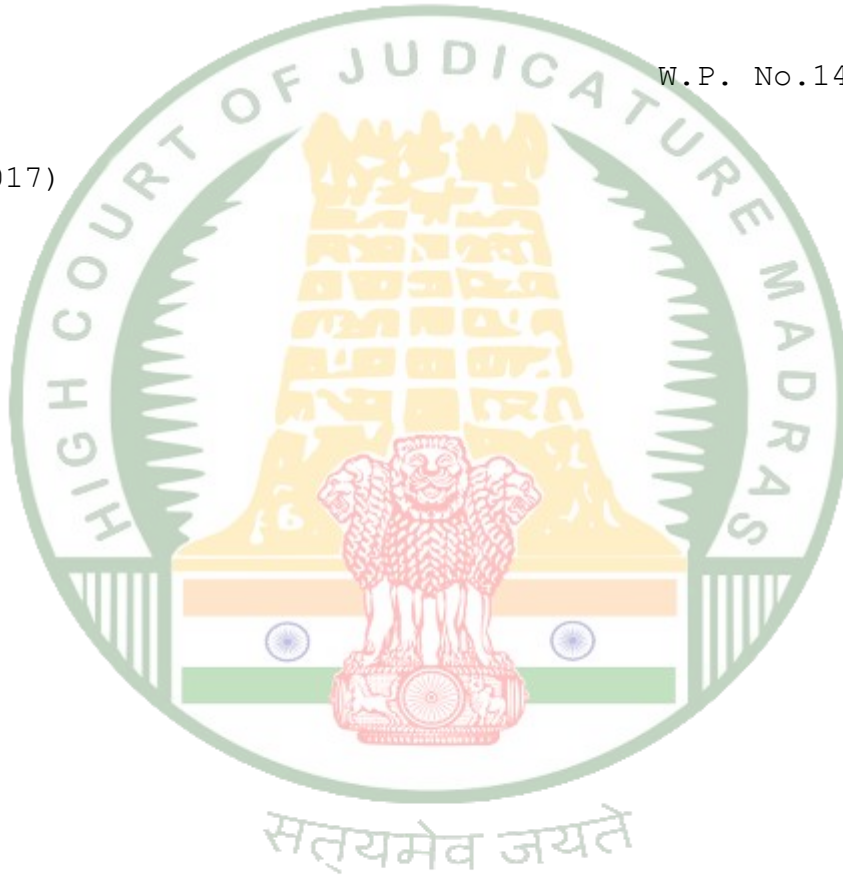
+1cc to M/s.K.Govindaraj,Advocate sr.41506

+1cc to Government Pleader sr.42119

+1cc to M/s.L.P.Shanmugasundaram,Advocate sr.41551

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ss(23/6/2017)



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