

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No.40014 of 2015
and
M.P No.1 of 2015

No.J-7 The Pasteur Institute Public Servants'
Co-operative Thrift & Credit Society Ltd.,
rep. By its President
Connoor 643 102
Nilgris District ... Petitioner

/Vs/

1. The Revisional Authority/ Joint
Registrar of Co-operative Societies
Nilgiris Region,
Uthagamandalam- 643 001.
2. The Deputy Registrar of
Co-operative Societies
Uthagamandalam Circle,
Uthagamandalam- 643 001,
Nilgiris District.
3. H. Ramesh Kumar .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the entire records relating to the impugned orders passed by the 1st respondent in the proceedings Revisions No. 03/2015 (Na.Ka. No. 4200/2015 B4) dated 03.12.2015 and quash the same and pass further orders.

For Petitioner : Mr. R. Krishnamoorthy

For Respondents : Mr. V. Selvaraj, AGP for R1 & R2
Mr. K. Chozhan for R3

O R D E R

This Writ Petition has been filed seeking to quash the order passed by the 1st respondent in the proceedings Revision

No. 03/2015 (Na.Ka. No. 4200/2015 B4) dated 03.12.2015.

2. Learned counsel for the petitioner submitted that the petitioner was elected as a President of the Pasteur Institute Public Servants' Co-operative Thrift & Credit Society, registered under the Tamil Nadu Co-operative Societies Act, 1983, on 13.05.2013. The 3rd respondent has been working as a Clerk in the petitioner society, for many years. Based on the inspection report submitted by the investigation officer, the 2nd respondent directed the petitioner to initiate disciplinary action against the 3rd respondent for the irregularities committed by him, including misappropriation of society funds. Hence, charge memo was issued and he was placed under suspension on 29.01.2015. The enquiry officer held all the charges proved except charge No.4 and submitted his enquiry report on 01.04.2015. Pending disciplinary proceedings, the 3rd respondent filed a Revision Application before the 1st respondent under Section 153 of the Co-operative Societies Act, on 30.09.2015. The 1st respondent allowed the Revision and also directed reinstatement of the 3rd respondent, on the ground that the disciplinary proceedings was not completed within six months. Challenging the said order of the Revision authority, the present writ petition has been filed by the petitioner/ President of the Society.

3. Heard both sides and perused the material available on record.

4. During admission of the writ petition, this Court has granted interim stay and permitted the petitioner to proceed with the disciplinary proceedings against 3rd respondent. Pursuant to the aforesaid order, the petitioner has initiated the disciplinary proceedings and final orders have been passed, terminating the 3rd respondent from the services. The said fact has also not been disputed by the learned counsel for the 3rd respondent. Therefore, nothing survives in this writ petition for adjudication and the same is liable to be dismissed.

5. In view of the above, the writ petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No order as to costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

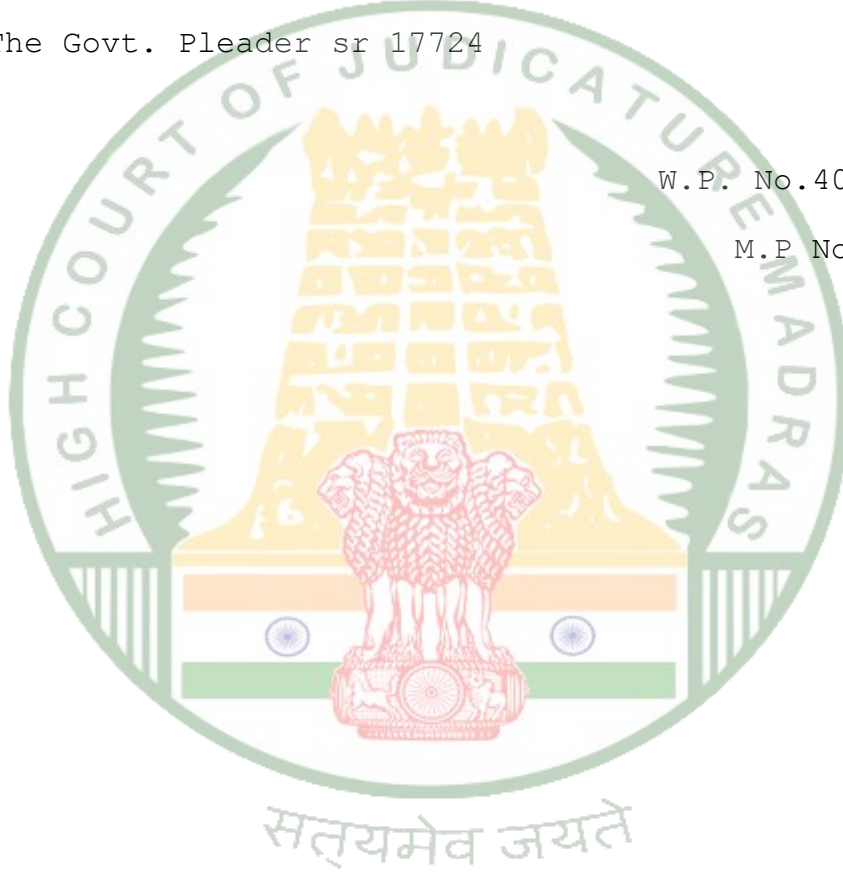
To

1. The Revisional Authority/ Joint
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Nilgiris Region,
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2. The Deputy Registrar of
Co-operative Societies
Uthagamandalam Circle,
Uthagamandalam- 643 001,
Nilgiris District.

+1 CC to The Govt. Pleader sr 17724

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and
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RJ (CO)
sp/24/5



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