

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 05.09.2017****CORAM****THE HONOURABLE MR.JUSTICE M.DHANDAPANI****W.P.No.16671 of 2004**

Sridharan

... Petitioner

Vs.

The Joint Registrar/Special Officer,
Kancheepuram District Consumers Co-op
Wholesale Stores Ltd.,
185, Prakasam Salai,
Chennai – 108.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the respondent in connection with the impugned order passed by him in Na.Ka.No.5574/2001/E6 dated 19/03/2002 and quash the same and direct the respondent to reinstate the petitioner in to service with all consequential service and monetary benefits.

For Petitioner : Mr.M.Muthappan

For Respondent : Mr.L.P.Shanmuga Sundaram

Special Government Pleader (Co-op.)

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records of the respondent in connection with the impugned order passed by him in

Na.Ka.No.5574/ 2001/E6 dated 19.03.2002 and to quash the same and direct the respondent to reinstate the petitioner into service with all consequential service and monetary benefits.

2. Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondent.

3. The petitioner was appointed as a Sales Assistant in the time scale of pay by the respondent through Employment Exchange on 10.10.1984. The petitioner was directed to deposit a sum of Rs.5,000/- towards security deposit at the time of joining the post. Thereafter, he was promoted as Salesman during 1988. The petitioner was issued with a charge memo by the respondent on 19.10.2001 alleging the following charges:

"1) While inspection, the stock was found to be deficient.

2) Kerosene was not supplied to the card holders, whereas advance amount was received and kerosene has been supplied without issuing any bill.

3) On physical verification in Sept 01, the stocks found to be deficient to the tune of Rs.32,112.40."

4. Accordingly, charge memo was issued against the petitioner and after conducting enquiry, the petitioner was removed from the establishment against which, the present writ petition has been filed.

5. The learned Special Government Pleader appearing for the respondent would submit that as against the order passed by the Special Order or the Disciplinary Authority, revision would lie under Section 153 of the Tamil Nadu Co-operative Societies Act and without exhausting the revision remedy, approaching this Court under Article 226 of the Constitution of India is not sustainable.

6. Accepting the contention, the learned counsel appearing for the petitioner would submit that liberty may be given to the petitioner to approach the Authority under Section 153 of the Tamil Nadu Co-operative Societies Act. सत्यमेव जयते

7. Accordingly, the writ petition is disposed of with liberty to the petitioner to approach the Authority under Section 153 of the Tamil Nadu Co-operative Societies Act. However, the pendency of the writ petition period may be excluded to enable the petitioner to file revision for the purpose of limitation. No Costs.

M.DHANDAPANI,J.

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8.Registry is directed to return the original impugned order to the learned counsel appearing for the petitioner after obtaining due and proper acknowledgment, to enable him to file the revision.

05.09.2017

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

Note: Registry is directed to return the original impugned order to the learned counsel appearing for the petitioner after obtaining due and proper acknowledgment.

To

The Joint Registrar/Special Officer,
Kancheepuram District Consumers Co-op
Wholesale Stores Ltd.,
185, Prakasam Salai,
Chennai – 108.

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