



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 10.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A. [MD].No.537 of 2017

and

C.M.P. (MD) No.4534 of 2017

K.Murugesan

... Appellant

Vs.

1.The Joint Registrar,
Co-operative Society,
Thoothukudi District,
Thoothukudi.

2.The Deputy Registrar,
Co-operative Society,
Kovilpatti,
Thoothukudi District.

3.The President,
Thili.Thani.5-North Vandanam Primary
Agricultural Co-operative Credit Society,
North Vandanam at South Vandanam,
Kovilpatti Taluk,
Thoothukudi District.

... Respondents

PRAYER : Writ Appeal is filed under Clause 15 of the Letters Patent, to set aside the order dated 21.04.2017 passed in W.P.(MD) No.24856 of 2016 on the file of this Court.

Prayer in WP(MD). 24856/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the 3rd respondent dated 14.12.2016 suspending petitioner from service, quash the same and consequentially to direct the 3rd respondent to treat the period from 20.12.2016 to the date of allowing petitioner to join duty as his duty period for all purposes and to pay petitioner wages and all other benefits.



For Appellant

: Mr.G.Thalaimutharasu

For Respondent

: Mr.T.S.Md. Mohideen,
AGP for RR1 and 2
Mr.R.Anandharaj for R3

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JUDGMENT

[Judgment of the Court was delivered by G.R.SWAMINATHAN, J.]

The unsuccessful writ petitioner is on appeal, challenging the order dated 21.04.2017 made in W.P.(MD) No.24856 of 2016.

2.The writ petitioner was appointed as Secretary in the third respondent Society. He was suspended by order dated 14.12.2016. Questioning the same, the appellant filed the said writ petition. The learned Judge took the view that the writ petition is not maintainable against a Co-operative Society. Aggrieved by the same, this writ appeal has been filed.

3.This Court is of the view that the writ petition is very much maintainable, since the appellant challenges the order of suspension as being violative of the statutory provisions of Tamil Nadu Co-operative Societies Act, 1983 and the circular issued by the Registrar of Co-operative Societies dated 09.12.2016. Since there is a mechanism for review, this Court need not go into the validity of the passing of the order of suspension or its continuance. The order dated 21.04.2017 dismissing WP(MD) No.24856 of 2016 is set aside.

4.We direct the first respondent herein to review the appellant's suspension and pass appropriate orders on merits and in accordance with law, within eight weeks from the date of receipt of a copy of this order.

5.The writ appeal is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar



To

1.The Joint Registrar,
Co-operative Society,
Thoothukudi District,
Thoothukudi.

2.The Deputy Registrar,
Co-operative Society,
Kovilpatti,
Thoothukudi District.

+One cc to Mr.G.Thalaimutharasu, Advocate, SR.No.72249

+One cc to Mr.R.Anandharaj, Advocate, SR.No.72224

+One cc to The Special Government Pleader, SR.No.72619

Arul

RL/6C/3P/SV/MMS/SAR2/30/8/2017

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and
C.M.P. (MD) No.4534 of 2017

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