



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.06.2017
CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WEB COPY

W.P. (MD) .No.11366 of 2017

S.Vadivel

.. Petitioner

Vs.

1. The Deputy Registrar/Director,
Thiruchirappalli District Amaravathi
Consumer Co-operative Wholesale Society
and Depot Ltd., R.No.683,
Trichy - 2.

2. The Joint Registrar of Co-operative Societies,
Multipurpose Building,
Mannarpuram,
Thiruchirappalli - 20.

.. Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to reinstate the petitioner into service as that of the Junior Assistant and Salesman, at Thiruchirappalli District Amaravathi Consumer Co-operative Wholesale Society and Depot Ltd., at Thiruchirappalli with all monetary benefits due to him under law.

For Petitioners : Mr.V.Singan

For Respondents : Mr.C.Selvaraj,

Special Government Pleader.

O R D E R

This Writ petition is filed for issuing a Writ of Mandamus, directing the respondents to reinstate the petitioner into service as that of the Junior Assistant and Salesman at Thiruchirappalli District Amaravathi Consumer Co-operative Wholesale Society and Depot Ltd., at Thiruchirappalli with all monetary benefits due to him under law.

2. Mr.C.Selvaraj, learned Special Government Pleader takes notice for the respondents.

3. Heard, Mr.V.Singan, learned counsel appearing for the petitioner and Mr.C.Selvaraj, learned Special Government Pleader appearing for the respondents. By consent, the Writ petition itself is taken up for final disposal.



4. The petitioner himself admitted that an enquiry was conducted pursuant to the Charge Memo issued against the petitioner. After the completion of the enquiry, the Enquiry Officer submitted a report on 21.12.2015. The petitioner submitted that the petitioner was absolved of all the charges by the Enquiry Officer. Hence, he has filed the present petition, seeking a direction to the respondents to re-instate the petitioner.

5. Admittedly, no final order was passed pursuant to the enquiry. The enquiry report is not final. As regards, the disciplinary proceedings that were initiated against the petitioner, the disciplinary Authority has to take a decision. Hence, the present Writ petition at this stage has no merits.

6. Further, the Writ petition for such relief is not maintainable, as the petitioner is seeking a relief against the Co-operative Society and the maintainability of the Writ petition in relation to service matters is covered by several decisions of this Court. Hence, the Writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (Writs)

/True copy/

Sub Assistant Registrar

To

1. The Deputy Registrar/Director,
Thiruchirappalli District Amaravathi
Consumer Co-operative Wholesale Society
and Depot Ltd., R.No.683, Trichy - 2.
2. The Joint Registrar of Co-operative Societies,
Multipurpose Building, Mannarpuram,
Thiruchirappalli - 20.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 61226.

PMU

PSM/JC/SAR2/16.08.2017/2P/4C

ORDER MADE IN
W.P. (MD) .No.11366 of 2017
20.06.2017