



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:21.09.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.17263 of 2017

and

W.M.P. (MD) .Nos.13818 & 13819 of 2017

L.Sankaralingam

... Petitioner

Vs.

1. The Joint Registrar,
Co-operative Society,
Sivagangai.

2. N.N.628, Nattarasankottai Primary Agricultural
Co-operative Credit Society,
Represented by its President,
Nattarasankottai, Sivagangai District.

3. Mr.R.Balaji,
The President,
N.N.628, Nattarasankottai Primary Agricultural
Co-operative Credit Society,
Nattarasankottai,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the second respondent dated 05.07.2017 and quash the same as illegal and ultra vires and consequently direct the second respondent to reinstate the petitioner as salesman with all back wages from the date of termination with interest as may be fixed by this Court.

For Petitioner : Mr.V.Sasikumar

For Respondent No.1 : Mr.R.Karthikeyan

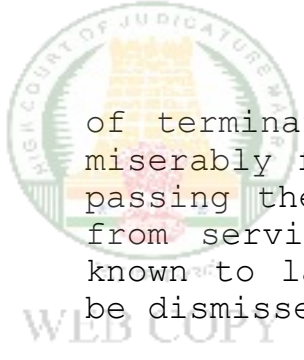
Additional Government Pleader

O R D E R

By consent of both sides, this writ petition itself is taken
up for final disposal.

<https://hcservices.ecourts.gov.in/hcservices/>

2.This Writ Petition is directed against the impugned order



of termination dated 05.07.2017. Interalia, the respondents have miserably failed to follow the Principles of Natural Justice before passing the final order imposing a major punishment of termination from service and that without holding any enquiry in the manner known to law. The member of the second respondent society cannot be dismissed or terminated or removed without any proper enquiry.

3.The petitioner was appointed as Packer on 05.03.1987 in the second respondent Society, Sivagangai District and he was also promoted as Office Assistant on 29.05.1987. Subsequently, the petitioner was further promoted to the post of Salesman in Textile Sector on 31.12.2001 and his services were also regularized by the Joint Director of Cooperative Societies, Sivagangai vide his proceedings in R.C.No.1426/2007/SF dated 20.09.2007. The petitioner has completed thirty years of service. Under such circumstances, the petitioner was issued with a show cause notice alleging that the petitioner has misbehaved with the office bearers of the respondent society in the presence of the higher authorities and finally they passed the impugned order of termination dated 05.07.2017, wherein several irrelevant allegations were made against the petitioner and also no charge memo has been issued to the petitioner.

4.It is at this stage, this Court directed the learned Additional Government Pleader to get instructions as to whether the claim of the petitioner that without holding enquiry, the impugned order of termination has been passed is correct.

5.Mr.R.Karthikeyan, learned Additional Government Pleader, appearing for the respondents on instructions fairly submitted that no enquiry has been conducted.

6.Placing on record the submission made by the learned Additional Government Pleader, this Court finds fault with the impugned order of termination. Moreover, the petitioner who has rendered thirty years of service from 05.03.1987, cannot be sent out unceremoniously, more particularly, without holding any enquiry on the mere allegations levelled against the petitioner. Accordingly, the impugned order of termination is set aside and the respondents are directed to take the petitioner back into service. It is needless to mention that it is the duty of the respondents to decide as to whether they shall proceed against afresh after issuing notice to the petitioner or not. Liberty is also given thereto.

7.Accordingly, the Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/



To

The Joint Registrar,
Co-operative Society,
Sivagangai.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 80937
+ 1 CC TO Mr.A.MOHAN, ADVOCATE IN SR No. 80625

MR/MRN

TE/KP/SAR-I : 09/11/2017 : 3P/4C

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