



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2017

CORAM:

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P. (MD) No.5883 of 2017

and

W.M.P. (MD) Nos.4661 and 6573 of 2017

S.Jaganathan

... Petitioner

Vs.

1. The Joint Registrar of Co-operative Society,
Thoothukudi,
Thoothukudi District.
2. The Management,
O-1654, Ayyaneri Primary Agricultural Co-operative
Society,
Through its President,
Ayyaneri GVN College Post,
Kovilpatti Taluk,
Thoothukudi District.

3.R.Saravanavel Murugayya

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records of the second respondent's impugned order dated 06.03.2017, by directing the petitioner to hand over his post of Secretary to the third respondent and to take charge of the Salesman of O-1654, Ayyaneri Primary Agricultural Co-operative Credit Society and consequential order dated 28.03.2017 to hand over the locker key, godown key and office key to the third respondent and quash the same and permit him to function as Secretary of O-1654, Ayyaneri Primary Agricultural Co-operative Credit Society, within a time limit that may be stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For R1 & R2 : Mr.J.Gunaseelan Muthiah
Government Advocate

For R3 : Mr.K.K.Samy

O R D E R

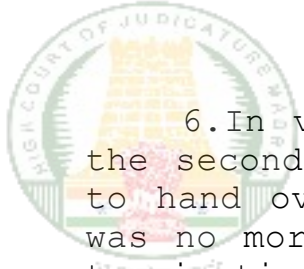
This Writ Petition has been filed to set aside the impugned order of the second respondent, dated 06.03.2017, directing the petitioner to hand over his post of Secretary to the third respondent and to take charge of the Salesman of O-1654, Ayyaneri Primary Agricultural Co-operative Credit Society and also the consequential order dated 28.03.2017, directing him to hand over the locker key, godown key and office key to the third respondent and to permit him to function as Secretary of O-1654, Ayyaneri Primary Agricultural Co-operative Credit Society.

2.The learned counsel for the petitioner assailing the impugned order, dated 06.03.2017, submitted that when the third respondent was suspended on 26.12.2012 and consequently, issued with a charge memo, dated 09.02.2013, he was terminated from the services of the second respondent Co-operative Society, by order dated 10.03.2014. By virtue of the impugned order, dated 28.03.2017, the petitioner has been directed to hand over the locker key, godown key and office key to the third respondent, who was a terminated employee. The learned counsel for the petitioner also submitted that pursuant to the order of termination, the third respondent filed W.P.(MD)No.22474 of 2015 before this Court and the said Writ Petition is pending. While that being the status of the third respondent, it is absolutely unwarranted on the part of the second respondent to direct the petitioner to hand over the locker key, godown key and office key to the third respondent, who is no more in service.

3.However, the learned counsel for the third respondent submitted that the third respondent has been reinstated in service on the basis of the resolution passed by the first respondent.

4.But, this Court is not able to appreciate the reply given by the learned counsel appearing for the third respondent. The reason is, the service of the third respondent was terminated by order dated 10.03.2014, on the ground of proven misappropriation of funds of the second respondent Co-operative Society and the said order is not even set aside or modified. On the other hand, the revisional authority has also confirmed the same and subsequently, the Writ Petition filed against the said order, is pending before this Court, hence, the second respondent ought not to have passed the present impugned order directing the petitioner to hand over the locker key, godown key and office key to the third respondent.

5.At this juncture, Mr.J.Gunaseelan Muthiah, learned Counsel for the respondents 1 and 2 fairly submitted that the impugned orders will be withdrawn.



6. In view of the abovesaid submission, the impugned order of the second respondent, dated 06.03.2017, directing the petitioner to hand over the post of Secretary to the third respondent, who was no more in service, is unwarranted, for the reason that the termination order dated 10.03.2014, till date, has not been set aside or modified by this Court. Hence, impugned order of the second respondent, dated 06.03.2017, directing the petitioner to hand over his post of Secretary to the third respondent and to take charge of the Salesman of O-1654, Ayyaneri Primary Agricultural Co-operative Credit Society and the consequential order dated 28.03.2017, directing the petitioner to hand over the locker key, godown key and office key to the third respondent, are set aside.

7. In the result, this Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

+1cc to Mr. J. Gunaseelan Muthiah, Advocate in SR.No.66359

+1cc to Mr. Haja Mohideen, Advocate in SR.No.66373

+1cc to Mr. K. K. Samy, Advocate in SR.No.66492

smn2

AE/JC/SAR1/04.09.2017/3P/4C

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