



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2017

C O R A M:

THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. (MD) No.7526 of 2017

and

W.M.P. (MD) Nos.5884 & 5885 of 2017

Gnanaprakasam

...Petitioner

Vs.

1. The Principal District Judge cum Co-operative Society,
Appellate Tribunal,
Thanjavur.
2. The Joint Registrar,
The Joint Registrar of Co-operative Societies,
Thanjavur.
3. The President,
OT 1916, Thanjavur Noon Meal Employees,
Co-operative Thrift and Credit Society Ltd.,
Thanjavur.

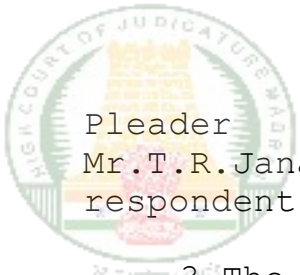
...Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Certiorari, calling for the records of the impugned order of the 1st respondent in C.M.A.No.17 of 2015 dated 28.02.2017 by confirming the impugned order passed by the 2nd respondent in his proceeding ந.க.எண்.3419/2014/சுப dated 20.04.2015 and quash the same.

For Petitioner	:	Mr.V.Sasikumar
For R-1 & R-2	:	Mr.S.Satheesh Kumar, Additional Government Pleader
For R3	:	Mr.T.R.Janardhanan

O R D E R

This petition has been filed, challenging the impugned order of the 1st respondent dated 28.02.2017 in C.M.A.No.17 of 2015 by confirming the order passed by the 2nd respondent in his proceeding ந.க.எண்.3419/2014/சுப dated 20.04.2015.



Pleader appearing for the respondents 1 & 2 and Mr.T.R.Janardhanan, learned counsel appearing for the third respondent.

3.The learned counsel for the petitioner submits that in the memorandum of grounds of appeal before the first respondent, the petitioner had raised several contentions which have not been considered while passing the impugned order.

4.On the contrary, the learned Additional Government Pleader appearing for the respondents 1 & 2 submits that the initial appointment of the petitioner to the post of Secretary itself was not in accordance with the Rules as he had not worked for the required minimum period of three years in the feeder post of clerk and hence order the impugned has to be sustained.

5.It is noticed from the impugned order, that it does not advert to any of the contentions raised by the petitioner in his appeal and hence it cannot be considered as an effectual adjudication of the disputes based on relevant materials as required by law. Hence, without expressing any opinion on the correctness of the rival contentions of the contesting parties, the order of the first respondent is set aside and matter is remitted to the first respondent for fresh disposal in accordance with law. The first respondent shall consider each of the contentions made by the parties and pass a reasoned order with factual findings arrived on the basis of relevant evidence and supporting materials. Such exercise shall be completed on or before 28.02.2018.

6.It is also made clear that no recovery shall be effected from the petitioner without the prior permission of the first respondent during the pendency of the appeal

7.Accordingly, this Writ Petition is disposed of with the aforesaid directions. No costs.

Sd/-

Assistant Registrar(CO)

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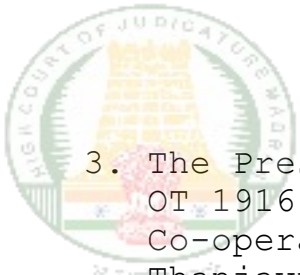
Sub Assistant Registrar

To

1. The Principal District Judge cum Co-operative Society,
Appellate Tribunal,
Thanjavur.

<https://hcservicescourts.gov.in/HCSERegistrar>,

The Joint Registrar of Co-operative Societies,
Thanjavur.



3. The President,
OT 1916, Thanjavur Noon Meal Employees,
Co-operative Thrift and Credit Society Ltd.,
Thanjavur.

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+ 1 cc TO Mr.V.Sasikumar , Advocate in SR No. 86102
+ 1 cc TO The Special Government Pleader in SR No. 86851

Smi

AE/SKN RSK/SAR1/06.12.2017/3P/6C

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09.11.2017