

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.12.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.18320 and 18321 of 2005
and
W.M.P.Nos.19897 and 19899 of 2005

W.P.No.18320 of 2005

K.R.Kaliyamoorthy ..Petitioner

vs

The Deputy Registrar of
Co-operative Societies,
Virudhachalam,
Cuddalore District.

.. Respondents

W.P.No.18321 of 2005

R.Subburaman ..Petitioner

vs

The Deputy Registrar of
Co-operative Societies,
Pudupalayam Main Road,
Cuddalore District.

.. Respondents

Prayer in W.P.No.18320 of 2005: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records of the respondent in his proceedings R.C.No.6365/03 Sa.Pa.dt.11.04.2005 which was issued to the petitioner and quash the same.

Prayer in W.P.No.18321 of 2005: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records of the respondent in his proceedings R.C.No.8757/03/PACB dt.11.04.2005 which was issued to the petitioner and quash the same.

For Petitioner : Mr.K.Raja in both W.Ps

For Respondent : Ms.T.Girija, GA (Co-op) in both W.Ps

C O M M O N O R D E R

The show cause notices issued by the respondents in proceedings dated 11.04.2005 are under challenge in the present writ petitions.

2. On a perusal of the impugned orders dated 11.04.2005, it is seen that the writ petitioners were appointed contrary to the recruitment rules and a provisional decision was taken to terminate the services with reference to the orders passed by this Court and the Hon'ble Supreme Court of India. In order to provide an opportunity to the writ petitioners, the impugned show cause notices had been issued and the respondents directed the writ petitioners to submit their explanations within 15 days from the date of receipt of the notice. The said notices are under challenge.

3. Learned counsel appearing for the respondent states that the legal principles in respect of appointments in Cooperative Institutions are settled by the Hon'ble Division Bench of this Court reported in 2002 (4) CTC 385 [L.Justine and another Vs. The Registrar of Coop. Societies, Chennai -10 and two others]. The matter went up to the Supreme Court of India. The Supreme Court also confirmed the said principle in the case of The Registrar Vs. Umarani. Following the legal principles settled by the Constitutional courts, the respondents issued the show cause notices directing the writ petitioners to submit their explanations. This Court is of the opinion that no writ petition can be entertained against the show cause notice in a routine manner. This apart, the present show cause notices had been issued consequent to the orders passed by the High Court and the Hon'ble Supreme Court. Thus, the writ petitioners have to submit their explanations or objections in respect of the allegations set out in the impugned show cause notices. Contrarily, the show cause notice cannot be entertained in a writ petition. In the event of any such explanation being made, the same shall be considered and appropriate decision shall be taken with reference to the legal principles settled by the High Court as well as by the Hon'ble Supreme Court of India.

4. In this view of the matter, there is no illegality or irregularity in respect of the show cause notices issued by the

respondents. The writ petitions are devoid of merits and the same are accordingly dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

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To

1.The Deputy Registrar of
Co-operative Societies,
Virudhachalam,
Cuddalore District.

2.The Deputy Registrar of
Co-operative Societies,
Pudupalayam Main Road,
Cuddalore District.

+1cc to Mr.K.Raja, Advocate SR.No.86893

+1cc to Government Pleader SR.No.86681

W.P.Nos.18320
and 18321 of 2005
and
W.M.P.Nos.19897 and 19899 of 2005

RK (CO)
GMY (23/01/2019)

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