



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

WEB COPY

W.P. (MD) No. 1190 of 2018

and

W.M.P. (MD) . No. 1258 of 2018

S.Sheela Devi

.. Petitioner

Vs.

1.The Joint Registrar of Co-operative Societies,
Trichy Region,
O/o. Joint Registrar of Co-operative Societies,
Trichy District.

2.The Deputy Registrar of Co-operative Societies,
Lalgudi Region, Lalgudi,
Trichy District.

3.The President,
TY.SLP92, Pullampadi Primary Agricultural
Co-operative Credit Society Limited,
Pullampadi Post,
Lalgudi Taluk,
Trichy District.

4.The Special Officer,
TY.SLP92, Pullampadi Primary Agricultural
Co-operative Credit Society Limited,
Pullampadi Post,
Lalgudi Taluk,
Trichy District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned punishment order of dismissal passed by the 1st respondent in his proceedings in MD.1062/2017/SP dated 07.10.2017 and quash the same as illegal and consequently to direct respondents to reinstate the petitioner in service with all service and monetary benefits within the period that may be stipulated by this Court.

For petitioner

: Mr. Ajmal Khan,
Senior Counsel for
B.Brijesh Kishore



For R.3 & R.4

: Mr. D.Muruganantham
Additional Government Pleader

WEB COPY

O R D E R

Heard the learned Counsel on either side.

2. By consent of both parties, the main writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner was appointed as sales women in the third respondent Society. She was issued with a charge memo dated 21.01.2016. She was also parellely prosecuted by the CCIW. The petitioner denied the allegations made against her. However, she was found guilty of the charges and she was imposed with punishment of stoppage of increment for a period of two years. It is also brought to the notice of this Court that the petitioner herein without prejudice to her stand that she is innocent on the charges framed against her remitted the amount of Rs.1,61,925/-. The petitioner was acquitted by the Judicial Magistrate-VI, Trichy by Judgment dated 19.06.2017 in C.C.No.82 of 2016.

4. In the meanwhile the first respondent herein issued notice for *suo motu* review of the order of punishment imposed on the petitioner. The petitioner submitted here explanation in response to the said notice. The first respondent by the impugned order dated 07.10.2017, removed the petitioner from service. The same is questioned in this writ petition.

5. The learned Senior Counsel appearing for the petitioner raised two grounds. He drew the attention of this Court to Section 77(4) of Tamil Nadu Cooperative Societies Act, 1983. The said provision reads as under:

"(4) Where a paid officer or servant of a registered society removed from service under sub-section (2) or sub-section (3) is acquitted by the competent Court, or when the conviction of such officer or servant is set aside on appeal or revsion by the appellate court, such officer or servant shall be reinstated to the same post held by him prior to such removal."

6. He also pointed out that the impugned order will have to be set aside, since the first respondent did not take into account the judgment of acquittal passed in favour of the petitioner herein.

7. The facts are not in dispute. The petitioner was acquitted by the competent criminal Court. Such a judgment of acquittal is certainly a relevant material to be taken note of. In



the present case, the first respondent without taking into account the said Judgment of acquittal has passed the impugned order of removal from service. It is a settled principle of law that any administrative authority must take into account all relevant circumstances while deciding a matter.

WEB COPY

8. In this case, since a relevant material has not been taken into account, this Court has to necessarily conclude that the impugned order is vitiated on that account. In this view of the matter, this Court quashes the order impugned in this Writ Petition. The matter is remitted to the file of the first respondent to pass orders afresh in accordance with law. It is needless to mention that all the contentions available to the writ petitioner are left open. Since the order of removal has been set aside the petitioner shall be reinstated in service forthwith.

9. With these observations, the Writ petition is allowed accordingly. No costs. Consequently, W.M.P. (MD). No. 1258 of 2018 is closed.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To:

- 1.The Joint Registrar of Co-operative Societies,
Trichy Region,
O/o. Joint Registrar of Co-operative Societies,
Trichy District.
- 2.The Deputy Registrar of Co-operative Societies,
Lalgudi Region, Lalgudi, Trichy District.
- 3.The President,
TY.SLP92, Pullampadi Primary Agricultural
Co-operative Credit Society Limited,
Pullampadi Post, Lalgudi Taluk,
Trichy District.
- 4.The Special Officer,
TY.SLP92, Pullampadi Primary Agricultural
Co-operative Credit Society Limited,
Pullampadi Post, Lalgudi Taluk, Trichy District.

+One cc to The Special Government Pleader, SR.No.49329
+One cc to M/s.B.Brijesh Kishore, advocate , SR.No.48475

kmi

RL/7C/3P/SKN/RSK/SAR3/8/3/2018

ORDER MADE IN
W.P. (MD) No. 1190 of 2018