



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 07.03.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.3175 of 2018

and

WMP (MD) No.3332 of 2018

Sankaralingam

... Petitioner

Vs.

1. The Joint Registrar,
Co-operative Societies,
Sivagangai.
2. The President,
N.N.628, Nattarasankottai
Primary Agricultural
Cooperative Credit Society,
Nattarasankottai,
Sivagangai District.
3. The Registrar, Cooperative Societies,
No.170, Periyar EVR High Road,
Kilpauk, Chennai - 600 010.

(3rd respondent is suo motu
impleaded vide order
dated 07.03.2018)

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of the second respondent dated 06.02.2018 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 with interest.

For Petitioner
For Respondents

: Mr.V.Sasikumar
: Mrs.S.Srimathy,
Spl., Govt.Pleader for R1 & R3
Mr.D.Muruganandham
f for R2

**ORDER**

The petitioner was employed in the second respondent society. He has been suspended from service by order dated 06.02.2018. The grievance of the petitioner is that without getting clearance from the Review Committee that was ordered to be constituted by the circular of the Registrar of Cooperative Societies, Chennai as early as on 09.02.2016, the second respondent has passed the impugned order of suspension. He, therefore, questioned the same by filing this writ petition.

2.It is stated that in the district of Sivagangai no Review Committee has been formed pursuant to the guidelines dated 09.02.2018 issued by the Registrar of Cooperative Societies. Therefore, the issue will have to be determined with reference to the special bye-laws. As per the special bye-laws, it is the president who is competent to pass order of suspension.

3.The order impugned in this writ petition cannot be said to be without jurisdiction. However, liberty is given to the petitioner to move the first respondent to question the same. If the petitioner files an appropriate application before the first respondent within a period of 10 days from the date of receipt of a copy of this order, the first respondent shall dispose of the same within a period of three weeks thereafter.

4.The Registrar, Cooperative Societies, No.170, Periyar EVR High Road, Kilpauk, Chennai - 600 010 is suo motu impleaded as the third respondent in this writ petition. The Registrar, Cooperative Societies shall call for explanation from the authority concerned as to why the Review Committee was not constituted in the Sivagangai District as per the instructions issued vide Na.Ka.17933/2013/Tho.Ve.Sa.1(1) dated 09.02.2016.

5.This writ petition is dismissed with this observation. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Joint Registrar,
Cooperative Societies, Sivagangai.



2. The Registrar, Cooperative Societies,
No.170, Periyar EVR High Road,
Kilpauk, Chennai - 600 010.

+1. CC to M/S.A.MOHAN, Advocate SR.No.53779

+1. CC to Special Government Pleader, SR.No.53884

+1. CC to M/S.D.MURUGANANTHAM Advocate SR.No.53974

W.P (MD) No.3175 of 2018
07.03.2018

skm

MKV-PM-PN-SAR 4/9.3.2018/3P-6C