



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.A(MD)No.1000 of 2018
and
C.M.P(MD)No.6968 of 2018

Administrator/Special Officer,
Ty.Spl.92, Pullambadi Primary Agricultural
Co-operative Credit Society Limited,
Pullambadi Post, Lalgudi Taluk,
Trichy District.

... Appellant/3rd Respondent

(Cause-title accepted vide order, dated 27.06.2018
made in C.M.P(MD)No.5400 of 2018)

Vs.

1. S.Sheela Devi ... 1st Respondent/Petitioner
2. The Joint Registrar of Co-operative Societies,
Trichy Region,
O/o.Joint Registrar of Co-operative Societies,
Trichy District.
3. The Deputy Registrar of Co-operative Societies,
Lalgudi Region, Lalgudi, Trichy District.
4. The Special Officer,
Ty.Spl.92, Pullambadi Primary Agricultural
Co-operative Credit Society Limited,
Pullambadi Post, Lalgudi Taluk,
Trichy District. ... Respondents 2 to 4/
Respondents 1, 2 & 4

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent
against the order, dated 14.02.2018 made in W.P(MD)No.1190 of 2018,
on the file of this Court.

Prayer in WP(MD)No. 1190/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of
India, praying this Court to issue a Writ of Certiorarified Mandamus
calling for the records relating to the impugned punishment order of
dismissal passed by the 1st respondent in his proceedings in
Na.Ka.1062/2017/Sa.Pa 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 Honble Court.



For Appellant : Mr.T.R.Janardhanan
For R - 1 : Mr.M.Ajmal Khan
Senior Counsel
for Mr.B.Brijesh Kishore
For RR 2 & 3 : Mr.A.K.Baskarapandian,
Special Government Pleader.

JUDGMENT

**(Judgment of the Court was delivered by
M.DURAISWAMY, J.)**

Challenging the order passed in W.P(MD)No.1190 of 2018 dated 14.02.2018 the third respondent has filed the above Writ Appeal.

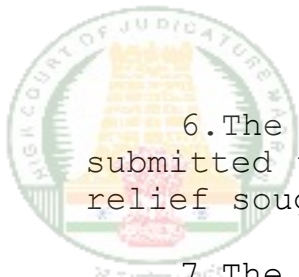
2.The first respondent/writ petitioner filed the Writ Petition to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned punishment order of dismissal passed by the first respondent in his proceedings dated 07.10.2017 and to quash the same and consequently to direct the respondents to reinstate the petitioner in service with all service and monetary benefits.

3.The learned Single Judge considering the case of both sides, allowed the Writ Petition by quashing the impugned order. Further, the learned Single Judge remitted the matter to the file of the first respondent-the Joint Registrar of Co-operative Societies to pass orders afresh in accordance with law. Further, the learned Single Judge observed that the contentions available to the writ petitioner are left open. Challenging this order, the third respondent has filed the above Writ Appeal.

4.Heard Mr.T.R.Janardhanan, learned counsel appearing for the petitioner, Mr.M.Ajmal Khan, learned senior counsel representing for Mr.B.Brijesh Kishore, learned counsel appearing for the first respondent and Mr.A.K.Baskarapandian, learned Special Government Pleader appearing for the respondents 2 and 3.

5.The learned counsel appearing for the appellant submitted that pursuant to the order passed in the Writ Petition, the writ petitioner has also filed a contempt petition in Cont.P(MD)No.756 of 2018 wherein the learned Single Judge by order dated 26.07.2018 has observed as follows:-

"3.Subject to the outcome of the said Writ Appeal and the interim order that may be passed in the Writ Appeal, this Court in these proceedings directs the Administrator/Special Officer, Pullampadi Primary Agricultural Co-operative Credit Society Limited, Lalgudi Taluk to comply with the order dated 14.02.2018 made in W.P (MD)No.1190 of 2018 for reinstatement of the petitioner".



6.The learned counsel appearing for the appellant further submitted that if the writ petitioner is reinstated in service, the relief sought for in the Writ Appeal would become infructuous.

7.The learned counsel appearing for the first respondent/writ petitioner submitted that the learned Single Judge has already directed the Joint Registrar of Co-operative Societies to decide the matter afresh and also left all the contentions available to the writ petitioner open.

8.In view of the submissions made by the learned counsel on either side, we do not find any ground to interfere with the order passed by the learned Single Judge and we only reiterate that the Joint Registrar of Co-operative Societies is directed to pass orders afresh in accordance with law and in terms of the order passed by the learned Single Judge and the writ petitioner is at liberty to raise all the grounds on the contentions before him.

9.With these observations, the Writ Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-I)

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.

+1CC to Mr.B.Brijesh Kishore, Advocate, SR.No.75726
+1CC to Mr.T.R.Janardhanan, Advocate, SR.No.75859
+1CC to the Special Government Pleader SR.No. 75915

W.A(MD)No.1000 of 2018
30.07.2018

PS

ES/SKN/RSK/SAR 1/09.08.2018/3P/6C