



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.16885 of 2018

and

W.M.P. (MD) No.14907 of 2018

Jayaraman

... Petitioner

Vs.

1. The Joint Registrar of Co-operative Society,
Tuticorin,
Tuticorin District.
2. The Deputy Registrar of Co-operative Society,
Kovilpatti,
Tuticorin District.
3. The President,
Tn Spl 62, Samynatham Primari Agricultural
Co-operative Credit Society Limited,
Samynatham,
Tuticorin District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the third respondent in his proceeding dated 11.04.2018 and quash the same which is passed without jurisdiction and consequently direct the respondents to re-initiate the petitioner to continue his service with all monitory benefits within the period stipulated by this Court.

For Petitioner : Mr.G.Radhakrishnan
For Respondents : Mr.D.Muruganantham,
Additional Government Pleader

ORDER

The prayer sought for herein is for Writ of Certiorarified Mandamus to call for the records of the third respondent, in his proceeding dated 11.04.2018 and quash the same as it was passed without jurisdiction and consequently direct the respondents to re-instate the petitioner to continue his service with all monetary benefits within the period stipulated by this Court.



2. Heard Mr.G.Radhakrishnan, learned counsel for the petitioner and Mr.D.Muruganantham, learned Additional Government Pleader for the respondents.

3. The petitioner was working as Secretary of the third respondent society, pursuant to the appointment dated 16.02.1990. While so, a charge memo has been served on the petitioner. Based on the preliminary enquiry dated 23.06.2017, a show cause notice with charge memo was given to the petitioner, for which he replied on 13.11.2017. Not satisfied with the said reply, a domestic enquiry was conducted and the enquiry officer has submitted his report on 21.02.2018. Pursuant to which, it was placed before the third respondent society, to resolve to terminate the petitioner's service. Thereafter, second show cause notice was given on 26.03.2018. Since, the petitioner has not given reply to the second show cause notice, the final order of punishment of removal from service was passed by the third respondent on 11.04.2018. Challenging the same, the present writ petition has been filed.

4. At the admission stage, Mr.D.Muruganantham, learned Additional Government Pleader who takes notice for the respondents, on instructions, would submit that, as against the impugned order dated 11.04.2018, the petitioner has already preferred revision before the first respondent in Revision No.3308/18 dated 11.06.2018 and the same is pending before the first respondent for consideration. Without disclosing the said factor that he has already approached the Revisional Authority under Section 153 of the Tamil Nadu Co-operative Societies Act, the petitioner has approached this Court, by filing the present writ petition.

5. In view of the said fact that the petitioner has already filed a revision before the Revisional Authority, under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983 and the said revision is still pending for consideration before the first respondent, the petitioner cannot invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, by way of parallel proceedings. Therefore, this Court is inclined to pass the following order in this writ petition.

" That this writ petition, challenging the impugned order dated 11.04.2018, which is already been under challenge and also the subject matter of revision in No.3308/18 on the file of the first respondent, is not entertainable. Therefore, it is liable to be dismissed, accordingly, it is dismissed. However, the first respondent is directed to consider the revision filed by the petitioner against the impugned order in Revision No.3308/18 dated 11.06.2018 and pass orders thereon on merits and in accordance with law and such decision shall be made by the first respondent within a period of three months from the date of receipt of a copy of this order."



6.No costs. Consequently, connected miscellaneous petition is also closed.

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Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Joint Registrar of Co-operative Society,
Tuticorin,
Tuticorin District.
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Tn Spl 62, Samynatham Primari Agricultural
Co-operative Credit Society Limited,
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Tuticorin District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 76392

PNN

TE/SV/SAR-4 : 17/12/2018 : 3P/5C

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W.M.P. (MD) No.14907 of 2018
31.07.2018