

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2019

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.11915 of 2009 and
M.P.No.2 of 2009

S.Vaideeswaran

...Petitioner

Versus

1. The Deputy Registrar of Co-operative Societies, Namakkal Circle, Namakkal.
2. The Special Officer, Arur Allampatty Primary Agricultural Co-operative Credit Society, Arur Allampatty, Namakkal District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the 1st respondent in Na.Ka.No.3144/08/Tho.Vae.Va dated 02.06.2008 and consequential, Show Cause Notice of the 2nd respondent dated 27.6.2009, quash the same.

For Petitioner : Mr.G.Mohan Raj

For 1st Respondent : Mr.R.Balaramesh,
Spl. Govt. Pleader

For 2nd respondent : Mr.M.S.Palaniswamy

ORDER

The Writ Petition has been filed challenging the correctness of the impugned Order of the 1st respondent in Na.Ka.No.3144/08/Tho.Vae.Va dated 02.06.2008, thereby cancelling the promotion given to the petitioner without any notice or conducting any enquiry or against the principles of natural justice and also challenging the consequential Show Cause Notice of the 2nd respondent dated 27.6.2009 and to quash the same.

2. When the matter was taken up today, Mr.M.S.Palaniswamy, learned Counsel for the 2nd respondent submitted that when the impugned order dated 02.06.2008 was passed cancelling the promotion given to the petitioner without notice, the petitioner approached this Court and obtained an order of interim stay from this Court and by virtue of the said interim stay granted by this Court, the petitioner was allowed to continue in the promotional post and even now, he is working in the same position. Therefore, as of now, no prejudice has been caused to him.

3. The learned Counsel for the petitioner further submitted that the impugned order dated 02.06.2008 and the consequential show cause notice dated 27.06.2009 may be directed to be considered as notice by both the petitioner and the respondents by giving some reasonable time to the petitioner to give his explanation for the same. Thereafter, the 2nd respondent may be directed to proceed further in the manner known to law.

4. Heard the learned Counsel for the petitioner as well as the learned Special Government Pleader appearing for the 1st respondent.

5. This Court also agreeing with the course of action suggested by Mr.M.S.Palaniswamy, learned Counsel for the 2nd respondent, namely, the Special Officer, Arur Allampatty Primary Agricultural Co-operative Credit Society, Arur Allampatty, Namakkal District is of the view that the impugned order dated 02.06.2008 of the 1st respondent and the consequential show cause notice dated 27.06.2009 of the 2nd respondent should be treated only as a Show Cause Notice and the petitioner is given two weeks time from the date of receipt of a copy of this Order to give his explanation to the said Show Cause Notice and on receipt of his explanation, the 2nd respondent shall consider and pass orders on merits and in accordance with law, within a period of four weeks thereafter.

6. With the above observation and direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Deputy Registrar of Co-operative Societies, Namakkal Circle, Namakkal.
2. The Special Officer, Arur Allampatty Primary Agricultural Co-operative Credit Society, Arur Allampatty, Namakkal District.

+lcc to Mr.M.S.Palaniswamy, Advocate sr.10890
+lcc to the Government Pleader Sr.10790

W.P.No.11915/2009

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srg 8/3/2019



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