IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 01.10.2019

CORAM :

THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.34278 of 2012

M.Lakshmikanthan ... Petitioner

Vs

1.The Joint Registrar of Co-operative Societies,
Cuddalore Region,
Cuddalore,
Cuddalore District.

2.The Special Officer,
F.K.77, Maaligaikottam Primary Agricultural
Coop. Credit Society,
Maaligaikottam,
Tittagudi Taluk,
Cuddalore District. ... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order in his proceedings Na.Ka.No.633/2010.Thu.Va.Tha.1, dated 08.08.2011 whereby confirming the order passed by the 2nd respondent in his proceedings No.Nil, dated 03.09.2009 and quash the same and consequently direct the respondents to reinstate the petitioner into service of the 2nd respondent society as salesman with all attendant benefits with backwages and other monetary benefits.

For Petitioner : Mr.C.Prakasam

For Respondents: Mr.L.P.Shanmugasundaram
Special Government Pleader (Co.op)

O R D E R

The instant writ petition is directed against the order passed Vide proceedings Na.Ka.No.633/2010.Thu.Va.Tha.1, dated 08.08.2011, confirming the order passed by the 2nd respondent in his proceedings No.Nil, dated 03.09.2009 and to quash the same and consequently, direct the respondents to reinstate the petitioner into service of the 2nd respondent

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society as salesman with all attendant benefits with backwages and other monetary benefits.

2.The impugned order has been passed by the second respondent by exercising his power under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983.

3.The learned counsel for the petitioner stated that he has filed a petition for review under Section 154 of the Tamil Nadu Co-operative Societies Act, 1983. Therefore, he states that he has got instructions to withdraw the Writ Petition and he has also made an endorsement to that effect. He however seeks liberty, in case the review petition gets dismissed, he should be permitted to challenge the same by way of a Writ Petition.

4.In view of the submission and the endorsement made by the learned counsel for the petitioner, permission is granted to the petitioner to withdraw the Writ Petition. No costs. It is needless to state that in case the Review Petition goes against the petitioner, he is at liberty to challenge the order dated 08.08.2011 passed under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983 and the order passed in Review Petition under Section 154 of the Tamil Nadu Co-operative Societies Act, 1983.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

tsg

To

1.The Joint Registrar of Co-operative Societies,
Cuddalore Region,
Cuddalore,
Cuddalore District.

2.The Special Officer,
F.K.77, Maaligaikottam Primary Agricultural
Coop. Credit Society,
Maaligaikottam,
Tittagudi Taluk,
Cuddalore District.

+1cc to Mr.L.P.Shanmugasundaram, Advocate SR.84604
+1cc to Mr.C.Prakasam, Advocate SR.84797
+1cc to the Government Pleader SR.84574

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+1cc to Spl Government Pleader(CO-OP) SR.85048

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