

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11-04-2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.20778 of 2018

And

W.M.P.Nos.24406 of 2018 and 1446 of 2019

C.Jayaraman

.. Petitioner

Vs.

1. The Registrar of Cooperative Societies,
NVN Maligai, Kilpauk,
Chennai-10.
2. The Joint Registrar of Cooperative Societies,
Ariyalur Region, Ariyalur District.
3. Thiru M.Palanivel
4. The Deputy Registrar of Cooperative Societies,
Ariyalur Region, Ariyalur District.
5. The Management of T.Y.SPL. 100,
Andimadam Primary Agricultural Cooperative
Credit Society Ltd., Represented by its
Secretary, Andimadam Village and Taluk,
Ariyalur District.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings in Na.Ka.1340/2018 Ve.Se.Sa. Dated 2.8.2018 issued by the fourth respondent herein and quash the same as being illegal, arbitrary, unconstitutional and consequently direct the first respondent to transfer the revision petition dated 14.3.2018 pending before the second respondent to any other appellate authority.

For Petitioner : Mr.T.Sundaravadanam

For Respondents-1,2,4&5 : Mr.L.P.Shanmugasundaram,
Special Government Pleader (Co-op.)

O R D E R

The present writ petition is filed by the writ petitioner, challenging the order of suspension issued by the fourth respondent in proceedings dated 2.8.2018.

2. The writ petitioner is placed under suspension on initiation of departmental disciplinary proceedings. The order of suspension was issued by the Deputy Registrar of Cooperative Societies on account of the fact that there was no Elected Board nor a Special Officer was appointed.

3. Thus, by invoking the powers under Section 181 (1) of the Tamil Nadu Cooperative Societies Act, 1983, the competent authorities are empowered to take the administration of a Cooperative Society as there was no Board as well as the Special Officer to take care of the administration.

4. Thus, the order of suspension issued by the Deputy Registrar of Cooperative Societies Act, by initiating the departmental disciplinary proceedings, the allegations against the writ petitioner are serious in nature warranting an enquiry. However, the order of suspension is to be reviewed periodically by the competent authorities based on the status of the enquiry. Even otherwise also, the writ petitioner is at liberty to approach the Revisional Authority under Section 153 of the Tamil Nadu Cooperative Societies Act, 1983 for the purpose of redressing his grievances. However, the order of suspension issued on account of initiation of the departmental disciplinary proceedings need not be revoked by this Court in the present writ petition.

5. Thus, the writ petitioner is at liberty to approach the competent authorities under the provisions of the Tamil Nadu Cooperative Societies Act, 1983, challenging the order of suspension. However, the writ petitioner has to participate in the enquiry in order to establish his innocence or otherwise.

6. With the above observations, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Svn

To

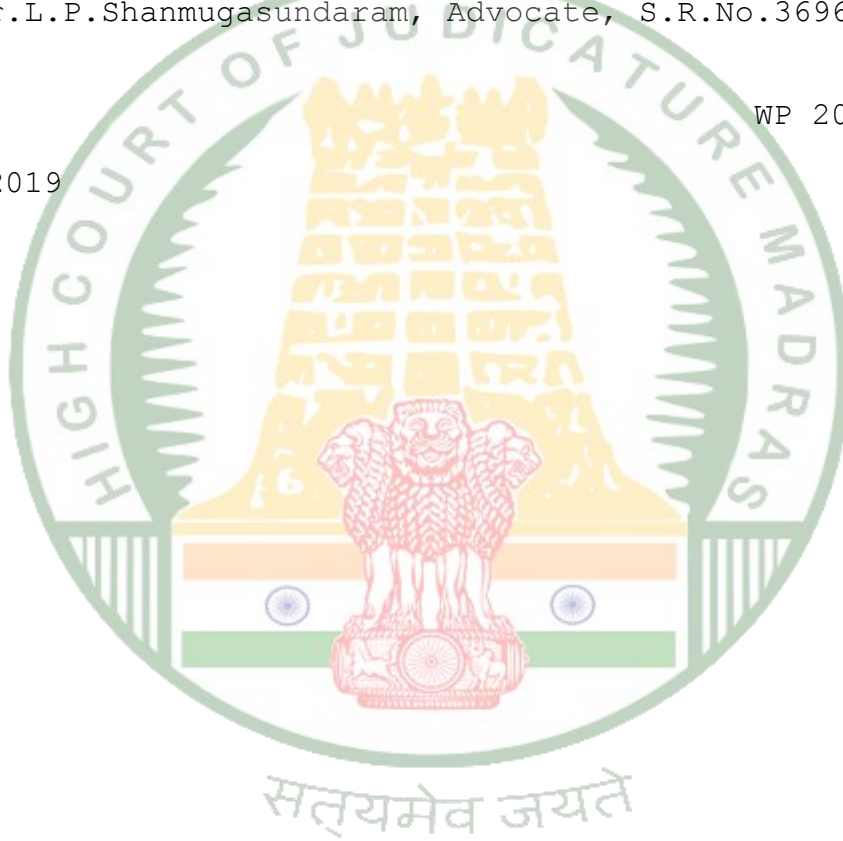
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NVN Maligai, Kilpauk,
Chennai-10.
2. The Joint Registrar of Cooperative Societies,
Ariyalur Region, Ariyalur District.
3. The Deputy Registrar of Cooperative Societies,
Ariyalur Region, Ariyalur District.

+1cc to Mr.T.Sundaravadanam, Advocate, S.R.No.36568

+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.36964

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CS/15/05/2019



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