

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.04.2019

Coram

The Honourable Mr. Justice D. KRISHNAKUMAR

W.P.No.10898 of 2019

and

W.M.P.Nos.11339 & 11341 of 2019

K.Thangavelu

...Petitioner

Versus

The Deputy Registrar of
Cooperative Societies (Dairying)
Poonkunranar Street,
Karungalpalayam,
Erode.

...Respondent

Writ Petition filed under Section 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the entire records relating to the impugned order passed by the respondent in his proceedings in Na.Ka.No.127/2019/E, dated 18.03.2019 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondent : Ms.T.Girija,
Government Advocate

ORDER

The relief sought for in this Writ Petition is to call for the entire records relating to the impugned order passed by the respondent in his proceedings in Na.Ka.No.127/2019/E, dated 18.03.2019 and to quash the same.

2. The petitioner was elected as one of the Board of Directors. Subsequently, he was elected as President for the E.D.281, Kuttai Thayirapalayam Milk Producers Cooperative Society, Vadakkuthayirpalayam Post, Chithode Via, Erode - 638 102 in the election held in the month of August 2018. The person who was previously elected as Board of Director had increased the salary of the society members with meager amount since the society is getting profits and the members of the society were receiving the same salary for the past two years. While that being so, the respondent has issued a Notice vide proceedings in Na.Ka.No.127/2019/E, dated 18.03.2019, to the petitioner in which the respondent asked the petitioner to

submit his explanation as to why the alleged excess salary paid to the society members in the year 2017 should not be recovered, otherwise, to supersede the Board of Directors post.

3. The learned counsel appearing for the petitioner submitted that as per law, formerly elected Board of Director is the only responsible person for the increase of salary of the society members, not the petitioner and therefore, the petitioner has filed the present writ petition for the relief stated supra.

4. In this case, the respondent issued a Show Cause Notice to the petitioner whereby asked him to submit his explanation for non-recovery of excess salary paid to the society members in the year 2017, for which the petitioner has to file his objection/explanation before the respondent, without doing so, he has straightaway come to this Court for quashing the said Show Cause Notice. Hence, this Court is not inclined to grant the relief sought for by the petitioner in this Writ Petition and therefore, the same is dismissed. However, liberty is granted to the petitioner to file his objection before the respondent within a period of one week from the date of receipt of a copy of this order and the same shall be considered by the respondent in accordance with law without rejecting it on the ground of limitation. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-IV)

//True copy//

Sub Assistant Registrar

mrr
To

The Deputy Registrar of
Cooperative Societies (Dairying)
Poonkunranar Street,
Karungalpalayam, Erode.

+1cc to Mr.C.Prakasam, Advocate SR.No.35871

+1cc to Government Pleader SR.No.35798

W.P.No.10898 of 2019

PP (CO)
GMY (01/07/2019)