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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2019

CORUM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

W.A.No.1548 of 2019
and C.M.P.No.10650 of 2019

G.Ramachandran

... Appellant/Petitioner

Vs.

1. The Joint Registrar of Cooperative Societies,
Krishnagiri Region, Cooperative Colony,
Krishnagiri - 635 001, Krishnagiri District.
2. The Deputy Registrar of Cooperative Societies,
Krishnagiri Circle, 4th Cross Street,
Cooperative Colony, Krishnagiri - 635 001.
Krishnagiri District.
3. The President,
S.5922, Maharajakadai Primary,
Agricultural Cooperative Credit Society,
Maharajakadai Village & Post - 635 120
Krishnagiri Taluk & District.

... Respondents/Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order passed by the learned single Judge of this Court in W.P.No.7189 of 2018 dated 18.02.2019.

WP.NO.7189/2018:

This Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, Calling for the entire records relating to the impugned order passed by the 3rd respondent in his proceedings No.Nil dated 05.03.2018 received on 12.03.2018 and quash the same and consequently direct the respondents to reinstate the petitioner into service along with backwages attendant benefits and other monetary benefits to the petitioner.



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For Appellant : Mr.C.Prakasam

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

J U D G M E N T

(Judgment of the Court was made by K.K.SASIDHARAN, J.,)

The Writ Petition filed by the appellant challenging the charge memo was dismissed by the learned single Judge primarily on the ground of maintainability. According, to the learned single Judge, the writ petition, in a matter of this nature, is not maintainable and the appellant has to approach the statutory remedy available to him. Feeling aggrieved by the said order, the appellant has come up with this intra Court appeal.

2. The issue raised herein by the appellant is squarely covered by a decision of the Division Bench dated 18.06.2018 in W.A.No.116 of 2015. This Court made it very clear that after the Constitutional (Ninety Seventh) Amendment Act, 2011, giving special status to the Co-operative Societies. It is no longer possible to rely on the decision in Marappan's case to negative the plea taken by the aggrieved employees. We are therefore, of the view that the writ petition is maintainable on account of the subsequent events, notwithstanding the law declared in Marappan's case.

3.The learned single Judge has not taken up the matter on merits. The writ petition was dismissed only on the ground of maintainability. We set aside the order dated 18.02.2019 and remit the writ petition for fresh disposal.

4. The Registry is directed to post the writ petition before the learned single Judge as per roster for disposal.

5. The intra court appeal is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vsi



To

1. The Joint Registrar of Cooperative Societies,
Krishnagiri Region, Cooperative Colony,
Krishnagiri - 635 001, Krishnagiri District.

2. The Deputy Registrar of Cooperative Societies,
Krishnagiri Circle, 4th Cross Street,
Cooperative Colony, Krishnagiri - 635 001.
Krishnagiri District.

+1cc to Mr.C.Prakasam, Advocate sr.55655

+1cc to Mr.L.P.Shanmugasundaram, Advocate sr.54790

+1cc Special Government Pleader(Co-Op) sr.54868

W.A.No.1548 of 2019

kk(co)

nr 28/08/2019