

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.14581, 17505, 14074 & 14075 of 2019
and

W.M.P.Nos.14563, 16982, 14125 to 14128 of 2019

W.P.No.14581 of 2019

P.Kumaresan

.. Petitioner

-vs-

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

2.The President,
S.681, Chinnathirupathi Urban,
Co-operative Credit Society Ltd.,
Salem-636 008.

.. Respondents

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 19.02.2019 passed by the 1st respondent in his office proceedings Ref.Na.Ka.8586/2016 Sa.Pa. and the impugned order dated 02.05.2019 passed by the 2nd respondent, quash the same insofar as the petitioner is concerned and direct the respondents to re-post the petitioner to the promoted post of Salesman within the time that may be fixed by this Court.

For Petitioner : Mr.P.Mani

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

W.P.No.14074 of 2019
C.Bhaskar

.. Petitioner

-vs-

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

2.S-681 Chinna Tirupathi,
Urban Coop.Society Ltd.
Rep. by its President,
Chinna Tirupathi Post,
Salem-8

3.M.Poornachandran

.. Respondents

Petition under Article 226 of the Constitution of India
praying for issuance of Writ of Certiorari to call for the
records of the order passed by the 1st respondent Na.Ka.8586/2016
Sa.Pa. dated 19.2.2019 and consequential notice issued by the 2nd
respondent dated 30.3.19 quash the same.

For Petitioner : Mr.M.S.Palaniswamy

For R1 & R2 : Mr.L.P.Shanmugasundaram
Special Government Pleader (Co-op)

W.P.No.14075 of 2019

A.Tamilarasan ... Petitioner

-vs-

1.The Joint Registrar of Coop. Societies,
Salem Region,
Salem,

2.S-681 Chinna Tirupathi,
Urban Coop.Society Ltd.
Rep. by its President,
Chinna Tirupathi Post,
Salem-8

3.M.Poornachandran

.. Respondents

Petition under Article 226 of the Constitution of India
praying for issuance of Writ of Certiorari to call for the
records of the order passed by the 1st respondent Na.Ka.8586/2016
Sa.Pa. dated 19.2.2019 and consequential notice issued by the 2nd
respondent dated 30.3.19 quash the same.

For Petitioner : Mr.M.S.Palaniswamy

For R1 & R2 : Mr.L.P.Shanmugasundaram
Special Government Pleader (Co-op)

W.P.No.17505 of 2019

A.Poornachandran

.. Petitioner

-vs-

1.The Registrar of Co-operative Societies,
Kilpauk,
Chennai-600 010

2.The Joint Registrar of Co-operative Societies,
Salem Region,
Salem-636 001

3.The Secretary,
S.681, Chinnathiruppathi Primary Agricultural
Co-operative Credit Society,
Chinnathiruppathi & Post,
Salem-636 008

... Respondents

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to the Na.Ka.8586/2016 Sa.Pa. dated 19.02.2019 on the file of the 2nd respondent and quash the same as being illegal, arbitrary and unconstitutional and consequently direct the third respondent to revise the petitioner's seniority on par with the juniors in service.

For Petitioner : Mr.S.Kamadevan

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

O R D E R

The petitioner in W.P.No.17505 of 2019 was absorbed as Office Assistant in the third respondent Society on 01.06.2000 and thereafter on 10.05.2013 he was promoted as Clerk. While being so, he filed revision before the second respondent under Section 153 of the Tamil Nadu Cooperative Societies Act seeking his promotion and also reversion of post in respect of four other staff. Thereafter the second respondent passed the impugned order reverting him and also the petitioners in W.P.Nos.14581, 14074 & 14075 of 2019. Challenging the same, the petitioner has filed the writ petition.

2.The petitioners in W.P.Nos.14581, 14074 & 14075 of 2019 have also filed the petitions challenging the above order on the ground that on the revision filed by the petitioner in

W.P.No.17505 of 2019 they have also been reverted back to their earlier post without giving any opportunity to them.

3.By consent of parties, all the writ petitions are clubbed together and taken for final disposal.

4.Mr.P.Kumaresan was appointed as Packer in the year 2001 and promoted as Salesman in the year 2010. Mr.C.Bhaskar was appointed as Salesman in the year 1997 and promoted as Clerk in the year 2013. Mr.A.Tamilarasan was appointed as Salesman in the year 1998 and promoted as Jewel appraiser in the year 2010. The promotion was questioned by way of revision under Section 153 of the Tamil Nadu Cooperative Societies Act by the petitioner in W.P.No.17505 of 2019. However in his revision petition, the petitioners in W.P.Nos.14581, 14074 and 14075 of 2019 were reverted to the original post without making them as party and without giving opportunity. Aggrieved over the same, they have filed writ petitions in W.P.Nos.14581, 14074 and 14075 of 2019.

5.Mr.M.S.Palaniswamy, learned counsel and Mr.P.Mani, learned counsel appearing for the petitioners in W.P.Nos.14581, 14074 and 14075 of 2019 would submit that though Poornachandran filed revision, however without issuing notice to the petitioners, the revision authority reverted them to the original posts, which is unsettled one.

6.Mr.L.P.Shanmuga Sundaram, Special Government Pleader filed counter and fairly conceded that the order was passed without issuing notice and the same may be set aside and remanded back to the authority.

7.Mr.S.Kamadevan, learned counsel appearing for the said Poornachandran also submitted that the impugned order may be set aside also in respect of the said Poornachandran for conducting fresh proceedings.

8.Considering the facts and circumstances of the case, even on perusal of records it is seen that the petitioner in W.P.No.17505 of 2019 filed revision before the Joint Registrar of Cooperative Societies under Section 153 of the Cooperative Societies Act, wherein other petitioners were not party in the said proceedings and the reversion order was passed without giving opportunity to the other petitioners, which is violation of principles of natural justice. Accordingly, the impugned order is set aside to the limited extent for complying with the principles of natural justice and the matter is remanded back to the authorities. The first respondent is directed to give opportunity to the petitioners in W.P.Nos.14581, 14074 and 14075

of 2019 including the aggrieved parties by issuing show cause notice within a period of two weeks from the date of receipt of copy of this order and thereafter pass final orders and the said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the above directions, these writ petitions stand disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Joint Registrar of Co-operative Societies,
Salem Region, Salem,
Salem District.
2. The President,
S.681, Chinnathirupathi Urban,
Co-operative Credit Society Ltd.,
Salem-636 008.
3. The Registrar of Co-operative Societies,
Kilpauk,
Chennai-600 010
4. The Secretary,
S.681, Chinnathirupathi Primary Agricultural
Co-operative Credit Society,
Chinnathirupathi & Post,
Salem-636 008

+4cc to Mr.L.P.ShanmugaSundaram, Advocate SR.87179,87177
87178,87176

+2cc to Mr.M.S.Palaniswamy, Advocate SR.86762, 86763

+1cc to Mr.S.Kamadevan, Advocate SR.86777

+1cc to Spl Government Pleader (CO-OP) SR.87312,87313,87314,87315

W.P.Nos.14581, 17505, 14074 & 14075 of 2019

AD(CO)
CB(02/12/2019)