

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2019

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.14383 of 2014

and

W.M.P.No.1 of 2014

Vellakovil Primary Agricultural
Co-operative Credit Society Limited,
Rep. by its President,
Muthur Road,
Vellakovil 638 111.
Kangeyam (Taluk),
Tiruppur District.

.... Petitioner

-Vs-

1.The Revision Authority/Joint Registrar of
Co-operative Societies, Tiruppur Region,
No.377, Kamarajar Salai,
Palladam Road, Tiruppur-641 604.

2.S.Gunasekaran

....Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India, to issue a Writ of Certiorari, calling
for the entire records relating to the impugned orders passed by
the first respondent in his proceedings Na.Ka.No.2594/2012/Ve3.1
dated 07.04.2014 and quash the same.

For Petitioner

Mr.R.Krishnamoorthy

For Respondent(s)

Mr.L.P.Shanmugasundaram, Spl.
Govt. Pleader for R1

Mr.K.V.Shanmuganathan for R2

ORDER

Challenging the order dated 07.04.2014 passed by the 1st
respondent - Revisional Authority / Joint Registrar of
Cooperative Societies, Tiruppur Region, in
Na.Ka.No.2594/2012/Ve.1, allowing the revision filed by the 2nd

respondent employee as against the order of cancellation of his promotion, the President of the Vellakovil Primary Agricultural Co-operative Credit Society Limited, Vellakovil, is before this court with this writ petition.

2. The case of the petitioner is that, while the 2nd respondent was working as a Clerk in the petitioner's Cooperative Society, he was suspended from service on 09.11.1983 and finally dismissed from service w.e.f. 28.02.1984. Challenging the order of dismissal, the 2nd respondent approached the Labour Court, Salem by way of I.D.No.32 of 1993 and the Labour Court by an award dated 14.09.1995 directed to reinstate the 2nd respondent into service with continuity of service and other service benefits along with wages. Pursuant to the order passed by the Labour Court, the 2nd respondent was reinstated and was also promoted as Assistant Secretary on 31.12.2007. But, the aforesaid order of promotion was subsequently cancelled based on the directions of the 1st respondent / Joint Registrar of Cooperative Societies, Tiruppur Region. Challenging the order of cancellation of promotion, the petitioner filed a revision before the State Government and the Government, in turn, by order in G.O.(2D) No.134, Coop. Food and Cooperative and Protection Department dated 03.12.2010 had set aside the order of cancellation of promotion. Based on that, by order dated 27.12.2010, the 2nd respondent was once again reinstated as Assistant Secretary w.e.f. 09.08.2010. Thereafter, once again the above said promotion was cancelled by the petitioner on 15.04.2011. Challenging the above said order of promotion, the petitioner filed a revision before the 1st respondent under Section 153 of the Act and ultimately, the 1st respondent had set aside the order of cancellation of promotion and restored the promotion given to the 2nd respondent. It is this order which is now under challenge in this writ petition.

3. I have heard the learned counsel for the petitioner and the learned counsel for the 2nd respondent and the learned Special Government Pleader for the 1st respondent and also perused the available materials carefully.

4. Admittedly, there was an Award passed by the Labour Court, Salem District directing reinstatement of the petitioner into service with all service and monetary benefits. Pursuant to such award, the 2nd respondent was earlier promoted as Assistant Secretary by the very same petitioner. Subsequently, without assigning any reason whatsoever, based on the instructions given by the 1st respondent, that order of promotion was cancelled which was challenged before the Government and the Government had passed an order setting aside the order of the 1st respondent and directing the reinstatement of the 2nd respondent in the post of Assistant Secretary. Pursuant to the same, the

2nd respondent was reinstated as Assistant Secretary. In the said circumstances, now, it is not open to the petitioner once again to cancel the promotion without any valid reason whatsoever.

5. In the light of the above, this court is of the considered view that the 1st respondent was right in allowing the revision and set aside the order of the 1st respondent which does not call for any interference at the hands of this court and the writ petition deserves only to be dismissed.

6. In the result, this writ petition is dismissed. No costs. Consequently, connected MP is closed.

msm / kmk

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The President, Vellakovil Primary Agricultural Co-operative Credit Society Limited, Muthur Road, Vellakovil-638 111, Kangeyam (Taluk), Tiruppur District.
- 2.The Revision Authority/Joint Registrar of Co-operative Societies, Tiruppur Region, No.377, Kamarajar Salai, Palladam Road, Tiruppur-641 604.

+1cc to Mr.K.V.Shanmuganathan, Advocate, SR.NO.8827/19

W.P.No.14383 of 2014

kak (12/03/2019)

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