

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :16.10.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.21764 & 29436 of 2019

W.P.No.21764 of 2019

Ms.K.Parimala

..Petitioner

vs

1.The Joint Registrar of Co-operative Societies
Co-operative Department Vellore.

2.The President

VL.213 - Sathambakam Primary Agricultural Co - Operative
Credit Society Limited
Sathampakkam Village,
Vellore - 632 513.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus, to
direct the 2nd respondent to reinstate the petitioner in service
with all consequential benefits by implementing the order of the
1st respondent in R.P.No.3/2018 dated 10.08.2018.

W.P.No.29436 of 2019

The Management,
Represented by its President,
Sathambakkam Primary Agriculture
Cooperative Credit Society Ltd,
Sathambakkam Village & Post,
Walajah Taluk, Vellore District.

..Petitioner

vs

1.The Secretary to Government.

Cooperation, Food and consumer Protection Dept,
Secretariat, Chennai - 600 009.

2.The Joint Registrar of Co-operative Societies
Vellore Region, Sathuvachari Post,
Vellore District.

3.Selvi.K.Parimala

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 1st respondent to dispose of Revision Petition dated 13.03.2019 in accordance with law within a stipulated period.

For Petitioner : Mr.R.Ramesh
(in WP.No.21764 of 2019)

For Petitioner : Mr.K.Rajendran
(in WP.No.29436 of 2019)

For Respondents : Mr.L.P.Shanmugasundaram
(in WP.No.21764 of 2019) Special Government Pleader
(Co-operative Societies)

For Respondent 1 : Mr.A.N.Thambidurai
(in WP.No.29436 of 2019) Special Government Pleader

For Respondent 2 : Mr.L.P.Shanmugasundaram
(in WP.No.29436 of 2019) Special Government Pleader
(Co-operative Societies)

C O M M O N O R D E R

The prayer sought for in W.P.No.21764 of 2019 is to direct the 2nd respondent to reinstate the petitioner in service with all consequential benefits by implementing the order of the 1st respondent in R.P.No.3/2018 dated 10.08.2018. The Prayer sought for in W.P.No.29436 of 2019 is to direct the 1st respondent to dispose of the Revision Petition dated 13.03.2019 in accordance with law within a stipulated period.

2. By consent of both the parties, the Writ Petitions are taken up for final disposal at the admission stage itself. Since the issues involved in both these Writ Petitions are one and the same, this Court is passing a common order.

3. The petitioner in W.P.No.21764 of 2019 is arrayed as the petitioner and the petitioner in W.P.No.29436 of 2019 is arrayed as the Society. The petitioner joined the service of the Society in the year 2007 as a Sales women. The petitioner had completed Co-operative Training in the year 2009 and had also completed M.S.Word and M.S.Office. The petitioner had also passed the course in Jewel Appraisal. In the year 2015, the petitioner was promoted as Junior Clerk. While the petitioner was working as a Junior Clerk, she was issued with Suspension Order dated 31.08.2017, suspending her from service with effect from 31.08.2017. Thereafter, on 04.10.2019, the petitioner was issued with a Charge Memo. The Society not being satisfied with her reply, conducted an enquiry on 26.11.2017. The Enquiry

Officer had held the findings against the petitioner and submitted a report on 30.12.2017. On 08.01.2008, the Society issued a memo along with the enquiry report to the petitioner to submit her explanation to the enquiry report dated 30.12.2017. Thereafter, on 23.01.2018, the petitioner filed a Revision Petition against the Enquiry Officer's report and memo. On 10.08.2018, the Joint Registrar of Co-operative Societies, Vellore, allowed the Revision Petition and directed the Society to reinstate the petitioner in service with all consequential benefits. Thereafter, the petitioner made representations on 29.08.2018, 10.09.2018, 17.09.2018, 09.11.2018 & 06.11.2018 to the Society. However, the representations made by the petitioner were not considered. Aggrieved by the non implementation of the order dated 10.08.2018, the petitioner is before this Court by way of the Writ Petition in W.P.No.21764 of 2019.

4. As against the order of the Joint Registrar of Co-operative Societies, Vellore dated 10.08.2018, the respondent Society preferred Review Petition and the same was rejected by the Joint Registrar of Co-operative Societies, Vellore, vide order dated 13.02.2019. Thereafter, the respondent Society had filed a Revision Petition against the order dated 13.02.2019 and the same is still pending before the Secretary to Government, Cooperation, Food and Consumer Protection Dept, Secretariat, Chennai - 600 009. Hence the Writ Petition in W.P.No.29436 of 2019 has been filed.

5. The learned counsel appearing for the petitioner as well as Society would submit that it would be suffice to issue direction to the Government, the 1st respondent in W.P.No.29436 of 2019 to dispose of the Revision Petition pending on their file within a time fixed by this Court. The learned counsel for the Society would further submit that the decision taken by the Government will be implemented within a period of four weeks thereafter.

6. Heard the learned counsel and perused the records.

7. Considering the limited request made by the learned counsel, I am inclined to issue direction to the Government, the 1st respondent in W.P.No.29436 of 2019 to dispose of the Revision petition on their file within a period of eight weeks from the date of receipt of a copy of this order. Thereafter, the Society should implement the decision, if any, taken by the Government, within a period of four weeks thereon.

8. The Writ Petitions are disposed of with the above directions. No costs.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government.
Cooperation, Food and consumer Protection Dept,
Secretariat, Chennai - 600 009.
 - 2.The Joint Registrar of Co-operative Societies
Vellore Region, Sathuvachari Post,
Vellore District.
 - 3.The President
VL.213 - Sathambakam Primary Agricultural Co - Operative
Credit Society Limited
Sathampakkam Village,
Vellore - 632 513.
- +1cc to Mr.R.Ramesh, Advocate SR.No.86815
+1cc to Mr.L.P.Shanmugasundaram, Advocate SR.No.86774
+1cc to Special Government Pleader (CO-OP) SR.No.86858

W.P.Nos.21764 & 29436 of 2019

SS (CO)
GMY (27/11/2019)

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