

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.27503 of 2019
and W.M.P.Nos.26983 & 26985 of 2019

C.Egalaivan

..Petitioner

vs

1.The Joint Registrar
Office of the Joint Registrar
of Co-operative Society
Thiruvallur.

2.The President
Thirupatchur Primary Agricultural Co-operative
Society, Thirupatchur
Thiruvallur Taluk and District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the
Constitution of India praying to issue a Writ of Certiorari
calling for the records pertaining to the Resolution No.10,
dated 30.09.2013 of the 2nd respondent and quash the same.

For Petitioner : Mr.E.P.Senniyangiri

For Respondents : Mr.R.Bala Ramesh

Special Government Pleader

O R D E R

Writ Petition is filed for issuance of a Writ of Certiorari
calling for the records of the 2nd respondent pertaining to the
Resolution No.10, dated 30.09.2013 and quash the same.

2.Heard the learned counsel appearing for the petitioner
and the learned Special Government Pleader appearing for the
respondents. By consent, the writ petition is taken up for final
disposal.

3. The case of the petitioner is that the petitioner was
appointed as Salesman in the year 1987. Thereafter, the
petitioner continued to be in the same post by performing duties
to the fullest satisfaction of his higher officials. However,
the petitioner was placed under suspension vide order dated
24.11.2008. Thereafter, a charge memo was issued to the

petitioner and he denied the charges. The petitioner was issued with 2nd show cause notice dated 21.04.2009, without furnishing the copy of the enquiry report. The petitioner submitted his explanation and without considering the same, the termination order was passed on 12.05.2009. Against the order of termination, the petitioner has preferred revision petition before the 1st respondent under Section 153 of Tamil Nadu Co-operative Societies Act. The 1st respondent dismissed the said revision petition by an order dated 12.10.2010. As against the same, the petitioner filed review petition. Without conducting any enquiry, 1st respondent dismissed the review petition. Hence, the petitioner filed W.P.No.15898 of 2012 before this Court. After filing of the above writ petition, the Secretary and President of the 2nd respondent Society came to the house of the petitioner and requested him to withdraw the writ petition with an offer of re-employment. In view of the undertaking given by both the Secretary as well as the President of the 2nd respondent Society, the petitioner has withdrawn W.P.No.15898 of 2012 on 20.08.2013. Thereafter, the petitioner was given employment by the then Board of the 2nd respondent and the petitioner was posted as Salesman in Kosavanpalayam Public Distribution System Shop. However, without any notice, service of the petitioner was terminated by the 2nd respondent by Resolution No.38, dated 31.07.2014. The said Resolution states that the petitioner was terminated with effect from 07.06.2014 onwards. Challenging the same, the petitioner has come out with the present writ petition.

4. Learned counsel for the petitioner submitted that though the Resolution cannot be challenged after five years, it would suffice, if this Court issues direction to the 2nd respondent to consider the petitioner's representation dated 01.08.2019 and pass appropriate orders on merits within reasonable time.

5. Considering the limited request made by the learned counsel appearing for the petitioner, this Court without expressing any opinion on the merits of the case, directs the 2nd respondent to consider the petitioners' representation dated 01.08.2019 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above observation, the writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

kj

To

1.The Joint Registrar
Office of the Joint Registrar
of Co-operative Society
Thiruvallur.

2.The President
Thirupatchur Primary Agricultural Co-operative
Society, Thirupatchur
Thiruvallur Taluk and District.

+1cc to Mr.E.P.Senniyangiri, Advocate SR.80162
+1cc to Mr.R.Bala Ramesh, Advocate SR.80021

W.P.No.27503 of 2019
and W.M.P.Nos.26983 & 26985 of 2019

SVI (CO)
CB(11/11/2019)



WEB COPY