

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.29696 of 2019

and

W.M.P.Nos.29592 and 29593 of 2019

K.Gopalakrishnan

.. Petitioner

Vs.

1.The Joint Registrar of Cooperative Societies /  
Common Cadre Chairman,  
Villupuram Region,  
Villupuram, Villupuram District.

2.The President,  
CL.SPL.93, Rettanai Primary Agricultural Cooperative  
Credit Society Ltd., Rettanai Post,  
Tindivanam Taluk, Villupuram District. .... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the second respondent in her proceedings No.Nil, dated 15.03.2019 and quash the same and consequently directing the respondents to reinstate the petitioner into service along with backwages, attendant benefits and other monetary backwages to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.L.P.Shanmugasundaram  
Special Government Pleader (CO-OP)

WEB COPY  
ORDER

This writ petition has been filed to call for the entire records relating to the impugned order passed by the second respondent in her proceedings No.Nil, dated 15.03.2019, quash the same and consequently directing the respondents to reinstate the petitioner into service along with backwages, attendant benefits and other monetary backwages to the petitioner.

2.The case of the petitioner is that the petitioner was appointed as Salesman in the second respondent society in the year 1987 and subsequently I was promoted as Cashier and Secretary from 01.11.2011. On 15.03.2019, the second respondent passed an order of suspension, suspending the petitioner from service. Since the petitioner is a common cadre employee, the first respondent is the competent authority to pass orders and the suspension order passed by the second respondent is illegal. Against the suspension order passed by the second respondent, this writ petition came to be filed.

3.Taking into consideration the facts and circumstances of this case, since the petitioner come under the purview of Common Cadre Employees, the Joint Registrar of Cooperative Societies is the competent person to take action and to pass orders against the employee. Therefore, the order passed by the second respondent, suspending the petitioner from service, is bad in law.

4.Therefore, this Court is of the view that the impugned suspension order dated 15.03.2019 is set aside and the matter is remanded back to the first respondent, the Joint Registrar of Cooperative Societies/ Common Cadre Chairman, and the first respondent is at liberty to pass appropriate orders. It is made clear that this order will not stand in the way of first respondent to take action against the petitioner in the manner known to law.

5.Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

pnn

To

1.The Joint Registrar of Cooperative Societies /  
Common Cadre Chairman,  
Villupuram Region,  
Villupuram, Villupuram District.

2.The President,  
CL.SPL.93, Rettanai Primary Agricultural Cooperative  
Credit Society Ltd., Rettanai Post,  
Tindivanam Taluk, Villupuram District.

+1cc to Mr.L.P.Shanmugasundaram, Advocate SR.89049  
+1cc to Mr.C.Prakasam, Advocate SR.88830  
+1cc to Spl Government Pleader(CO-OP), SR.88771

W.P.No.29696 of 2019

and

W.M.P.Nos.29592 and 29593 of 2019

SV(CO)  
CB(04/12/2019)



WEB COPY