

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.33047 of 2019

P.BALAKUMAR

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Petitioner

Vs.

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

2 The Deputy Registrar of Co-operative Societies, Perambalur Zone, Perambalur District.

3 The President
Tyspl 109, V.Kalathur
Primary Agricultural Co-operative
Credit society,
Perambalur District.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a WRIT OF MANDAMUS, directing the 2nd respondent to reinstate the petitioner in to the service in the 3rd respondent society pursuant to his representation dated 13/05/2019.

For Petitioner : Mr.T.Balachandran

For Respondents : Mr.D.Venkatachalam,
Spl.G.P. for Co-operative.

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O R D E R

1.The present writ petition has been filed by the petitioner praying for the issuance of Writ of Mandamus, to direct the 2nd respondent to reinstate the petitioner in to the service in the 3rd respondent society pursuant to his representation dated 13/05/2019.

2.Heard both sides.

3.According to the petitioner, the petitioner's mother one Kalaiselvi who was working as a Secretary in the 3rd respondent society died on 09.03.2015, while she was in service and thereafter on 23.06.2016, the petitioner had applied for the compassionate appointment before the second respondent and subsequently he was appointed as Salesman in the third respondent society. Further due to personal animosity, one Rathinavelu on 05.09.2018 had lodged a compliant against the petitioner as well as the petitioner's father before the Inspector of Police Mangalamedu and a case was registered in Crime No.369/2018 for the offences under Sections 147, 148, 341, 294(b), 323, 324, 355, 506(ii) of I.P.C and sent his father to the judicial custody. Thereafter, the above said Rathinavelu sent a representation to the second respondent by narrating above said facts and thereafter upon receiving the same the third respondent removed the petitioner from his services without issuing any written order and also the third respondent restrained the petitioner to continue his service in the third respondent society. Further on oral instruction of the 3rd respondent, the petitioner was informed that he is not in a position to reinstate him in services because of that false complaint lodged by the said Rathinavelu due to personal motive. On 13.05.2019, the petitioner made a representation to the second respondent to reinstate him into the service. However till date the grievance of the petitioner has not been redressed. Hence this Writ petition.

4.The learned counsel for the petitioner would submit that the sudden removal from the service of the petitioner, without issuing any written order was mechanical and arbitrary. Hence, the learned counsel would pray that it would suffice if this Court directs the third respondent to consider and dispose of the representation dated 13.05.2019, made by the petitioner in accordance with law.

5.The learned Government Advocate appearing for the respondents while conceding the claim of the petitioner, would submit that if any such direction is given by this Court, the same would be complied with and the representation of the petitioner dated 13.05.2019, would be disposed of in accordance with law.

6.Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, I am inclined to issue a direction to the third respondent to consider the representation dated 13.05.2019 made by the petitioner and dispose of the same in accordance with law, within a period of twelve weeks from the date of receipt of a

copy of this order.

7.With the above observation, this Writ Petition is disposed of.
No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

jrs

To

- 1.The Joint Registrar Co-operative Societies, Perambalur Region, Perambalur District.
- 2.The Deputy Registrar of Co-operative Societies, Perambalur Zone, Perambalur District.
- 3.The President
Tyspl 109, V.Kalathur
Primary Agricultural Co-operative Credit society,
Perambalur District.

+1cc to Mr.T.Balachandran, Advocate SR.98996
+1cc to Government Pleader SR.99413

W.P.No.33047/2019

CB(03/01/2020)

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