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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.12.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.33882 of 2019

K. Venkataraman

... Petitioner

Vs.

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

2. The Management
V.L.(Thani) 213 - Sathambakam Primary
Agriculture Co-operative Credit Society,
Santhampakkam Village and Post,
Walaja Taluk, Vellore District.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to reinstate the petitioner in service with all consequential benefits by implementing the order of the 1st respondent in Revision Petition No.6/2019 dated 27.07.2019.

For Petitioner : Mr.R.Ramesh

For Respondents : Mr.L.P.Shanmugasundaram
Spl. Government Pleader for R 1
Mr. B.Hari Babu for R 2

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the second respondent to reinstate the petitioner into service with all consequential benefits by way of implementing the orders passed by the first respondent in Revision Petition No.6 of 2019, dated 27.07.2019.

2. The case of the petitioner is that he was working as a Secretary in the second respondent society and he was issued with a Charge Memo in the year 2014. The petitioner was kept under suspension during the disciplinary proceedings. The



Petitioner submitted his explanation and an Enquiry Officer was also appointed and based on the Report of the Enquiry Officer, the second respondent proceeded to terminate the petitioner from service by an order dated 24.03.2015.

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3. The petitioner aggrieved by the said order, filed a Revision Petition under Section 153 of the Co-operative Societies Act 1983, to the Joint Registrar. The Joint Registrar, who is the first respondent in this Writ Petition by an order dated 27.07.2019, modified the punishment and imposed the punishment of stoppage of increment for three years with cumulative effect.

4. The grievance of the petitioner is that this order was passed on 27.07.2019 and in spite of the same, the petitioner was not reinstated into service and therefore, the present writ petition has been filed before this Court.

5. The learned counsel appearing on behalf of the second respondent submitted that the second respondent has filed a Review Application before the first respondent under Section 154 of the Co-operative Societies Act and the same is pending. Therefore, the learned counsel submitted that till the Review is disposed of by the first respondent, the petitioner cannot be reinstated into service and the order of the first respondent cannot be implemented.

6. This Court has carefully considered the submissions made on either side and the materials available on record.

7. The petitioner has approached this Court seeking for a direction to direct the second respondent to reinstate the petitioner into service by implementing the order passed by the first respondent in the Revision Petition dated 27.07.2019. The first respondent had modified the punishment from one of termination of service to stoppage of increment for a period of three years with cumulative effect. The petitioner has not been reinstated into service till date. The only reason given by the second respondent is that the Review has been filed before the first respondent under Section 154 of the Co-operative Societies Act.

8. It is seen that the Review was filed as early as 28.09.2019 and no steps have been taken to bring the Review for hearing. The second respondent cannot be permitted to give an excuse for non-implementation of the orders passed by the first respondent only on the ground that the Review has been filed. It is the duty of the second respondent to effectively pursue



the Review Petition. The petitioner cannot be made to wait endlessly on this score.

9. In view of the above discussion, there shall be a direction to the first respondent to consider the Review Petition filed by the second respondent under Section 154 of the Co-operative Societies Act, on 28.09.2019 and pass appropriate orders strictly in accordance with law, within a period of four weeks from the date of receipt of copy of this order. Depending upon the result of the Review Petition, the relief can be granted to the petitioner.

10. This Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

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

+1 cc to M/s.R.Ramesh, Advocate Sr.No. 105602
+1 cc to M/s.B.Haribabu, Advocate Sr.No. 106146
+1 cc to The Special Government Pleader (Co-OP. Sr.No. 105840

AKM/20.12.19/3P-4C /

W.P.No.33882 of 2019