



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.12844 of 2018

and

WMP(MD)No.11721 of 2018

N.N.628 Nattarasankottai Primary
Agricultural Cooperative Credit Society,
Nattarasankottai, rep.by its Secretary. ... Petitioner

vs.

1.The Joint Registrar/Revision Officer
of Cooperative Societies,
Sivagangai District.

2.L.Sankaralingam ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Writ of Certiorari calling for the records of the impugned order passed by the 1st respondent dated 23.05.2018 bearing Na.Ka.1407/2018 sapa and quash the same.

For Petitioner : Mr.R.Saravanan
For R1 : Mrs.J.Padmavathy Devi
Special Government Pleader
For R2 : Mr.R.Pon Karthikeyan

ORDER

This writ petition has been filed challenging the order of the first respondent dated 23.05.2018, setting aside the suspension order passed against the second respondent herein.

2.Heard the learned counsel appearing for the petitioner; the learned Special Government Pleader for the first respondent and the learned counsel for the second respondent.

3.The case of the petitioner is that the second respondent herein was working as a Salesman in the petitioner Society and he was suspended from service by the petitioner, on the allegation that he has created forged documents and thereby misappropriated the Government funds. Challenging the same, the second respondent preferred an appeal under Section 153 of the Tamil Nadu Cooperative



Societies Act, 1983 and the same was disposed of by order dated 23.05.2018, by setting aside the suspension order and consequently directed the authorities to reinstate the petitioner therein in service with "no work no pay". Aggrieved by the same, this writ petition has been filed by the Society.

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4.The first respondent has filed a counter affidavit, wherein it is stated that there is no material evidence available on record against the second respondent to prove the charges levelled against him. Further, the first respondent, after analysing all the materials available record, has passed the impugned order and therefore, the same does not require any interference.

5.I have heard the rival submissions made on either side and perused the materials available on record.

6.It is seen from the typed set of papers that subsequent to the suspension order passed by the petitioner herein, yet another order, dismissing the second respondent herein from service, came to be passed on 11.04.2018, against which, a revision was preferred on 27.12.2018 and the same is pending.

7.In such view of the matter, nothing survives for adjudication in the present writ petition. Accordingly, the same is closed, leaving it open to the petitioner to agitate the rights of the petitioner in the pending revision dated 27.12.2018. Further, closure of this writ petition revives the order dated 11.04.2018, which is under challenge in the revision dated 27.12.2018. Such revision is directed to be decided on merits after hearing all the parties, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that the observation made in the order passed on 23.05.2018, by setting aside the suspension, will not survive, in view of the orders passed in this writ petition. No costs. Consequently, WMP(MD)No.11721 of 2018 is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

The Joint Registrar/Revision Officer
of Cooperative Societies, Sivagangai District.

+1CC TO Mr.R.Saravanan, Advocate, Sr No.54814

+1CC SPECIAL GOVERNMENT PLEADER, SR NO.54959

+1CC TO Mr.A.Mohan, Advocate, Sr No.55213

W.P(MD) No.12844 of 2018

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