



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD)No.22720 of 2018

and

W.M.P(MD)Nos.5788 & 5789 of 2019

and

W.M.P(MD)No.20616 of 2018

WEB COPY

TN.Spl.63 Pasuvanthanai Primary Agricultural
Co-operative Credit Society Limited,
Represented by its President,
Pasuvanthanai,
Ottapidaram Taluk,
Tuticorin District. ... Petitioner

Vs.

1.The Joint Registrar of Co-operative Society,
Tuticorin Region,
Tuticorin District.

2.Jeyaprakash ... Respondents

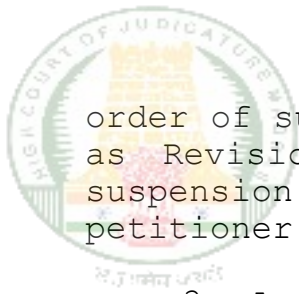
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the first respondent in Na.Ka.7419/2018 Sa.O in Revision Petition No.8 of 2018 dated 23.10.2018 quash the same as illegal.

For Petitioner: Mr.R.J.Karthick
For R1 : Mr.C.Ramar,
Additional Government Pleader
For R2 : Mr.AL.Kannan

ORDER

The present writ petition is filed challenging the impugned order passed by the first respondent, in Na.Ka.7419/2018 Sa.O in Revision Petition No.8 of 2018, dated 23.10.2018.

2. The second respondent was working as Secretary in the petitioner's Society. He was suspended from service, by order dated 19.09.2018. The second respondent filed a revision petition before the first respondent under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983, along with petition for stay of the



order of suspension. The first respondent took the revision on file as Revision Petition No.8 of 2018 and granted interim stay of suspension order. Challenging the order of stay of suspension, the petitioner has filed the present writ petition.

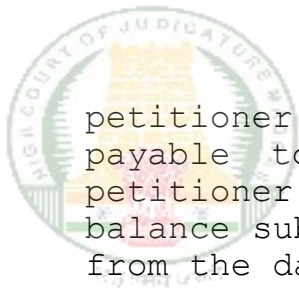
3. According to the learned counsel for the petitioner, the first respondent without giving opportunity to the petitioner for filing counter, passed the interim order. Pending the writ petition, a charge memo was issued to the second respondent, which according to the petitioner, the second respondent has refused to receive the same. The petitioner has power to suspend the second respondent as per the Special Bye-laws to preserve the records from the second respondent and accordingly, suspension was ordered.

4. The second respondent filed a counter affidavit along with vacate stay petition in W.M.P(MD)No.5789 of 2019 to pay the subsistence allowance. The learned counsel appearing for the second respondent contended that based on the interim stay of suspension passed by the first respondent, the second respondent joined duty on 26.10.2018, but he was not assigned with any work. The petitioner has alternative effective remedy under Section 154 of the Tamil Nadu Co-operative Societies Act, 1983, to challenge the impugned order. Without exhausting the alternative remedy, the petitioner has come out with the present writ petition, which is not maintainable and prayed for dismissal of the writ petition.

5. Heard the learned counsel appearing for the petitioner, Mr.C.Ramar, learned Additional Government Pleader appearing for the first respondent and Mr.AL.Kannan, learned counsel appearing for the second respondent and perused the materials available on record.

6. From the materials on record, it is seen that in the revision filed by the second respondent, the first respondent has granted interim stay of order of suspension of the second respondent and posted the revision to be heard on merits. The interim order is under challenge in the present writ petition. In the counter affidavit, the second respondent has contended that he had already joined duty on 26.10.2018, based on the impugned order of the first respondent. The petitioner has not denied the said contention, by filing any reply. Inasmuch as the interim stay granted by the first respondent has been implemented, the first respondent is directed to hear the Revision petition No.8 of 2018 filed by the second respondent and dispose the same within a period of eight weeks from the date of receipt of a copy of this order.

7. This Court, by order dated 30.04.2019, directed the petitioner to pay the subsistence allowance to the second respondent, within a period of two weeks. As per the order of this Court, the petitioner paid a sum of Rs.1,62,670/-. According to the counsel for the second respondent, the petitioner has not paid the entire subsistence allowance payable to the second respondent. The



petitioner setting out the details of the subsistence allowance payable to him. On receipt of the said representation, the petitioner is directed to consider the representation and pay the balance subsistence allowance, if any, within a period of four weeks from the date of receipt of a copy of this order.

8. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar(CS)

am
To

The Joint Registrar of Co-operative Society,
Tuticorin Region,
Tuticorin District.

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-94789[F] dated 25/10/2019)

+1 CC to M/s.SPL GP (SR-94964[F] dated 30/10/2019)

W.P. (MD)No.22720 of 2018
24.10.2019

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