



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 04.12.2019
CORAM

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.A(MD)Nos. 1427 & 1428 of 2019
and
C.M.P(MD)Nos.11603 & 11604 of 2019

W.A(MD)No.1427 of 2019:

P.Lalitha ... Appellant/Petitioner
Vs.

1.The Deputy Registrar/Managing Director,
Tiruchirappalli District Amaravathi Consumers
Co-operative Wholesale Stores Ltd.,
Post Box No.308,
No.1, Old Goods Shed Road,
Tiruchirappalli - 620 002.

2.R.Rajaram,
Advocate/Domestic Enquiry Officer,
Tiruchirappalli District Amaravathi Consumers
Co-operative Wholesale Stores Ltd.,
Post Box No.308,
No.1, Old Goods Shed Road,
Tiruchirappalli - 620 002.

3.J.Palaneeswari,
The Deputy Registrar/Managing Director,
Tiruchirappalli District Amaravathi Consumers
Co-operative Wholesale Stores Ltd.,
Post Box No.308,
No.1, Old Goods Shed Road,
Tiruchirappalli - 620 002.

... Respondents/Respondents

Prayer : Appeal filed under Clause XV of the Letters Patent, against the order passed by this Court in W.P(MD)No.18646 of 2015, dated 04.07.2019.

Prayer in WP(MD). 18646/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari calling for the records of the charge memo in No.Ka.No.121/2015-16/CS dated 25.8.2015 issued by 1st respondent and



the consequent notice of enquiry issued by the 3rd respondent dated 1.10.2015.

For Appellant : Mr.V.O.S.Kalaiselvam
For Respondents : Mr.J.Gunaseelan Muthiah
Additional Government Pleader for R.1

WEB COPY

W.A(MD)No.1428 of 2019:

S.Alim Basha ... Appellant/PETitioner
Vs.

1.The Deputy Registrar/Managing Director,
Tiruchirappalli District Amaravathi Consumers
Co-operative Wholesale Stores Ltd.,
Post Box No.308,
No.1, Old Goods Shed Road,
Tiruchirappalli - 620 002.

2.R.Rajaram,
Advocate/Domestic Enquiry Officer,
Tiruchirappalli District Amaravathi Consumers
Co-operative Wholesale Stores Ltd.,
Post Box No.308,
No.1, Old Goods Shed Road,
Tiruchirappalli - 620 002.

3.J.Palaneeswari,
The Deputy Registrar/Managing Director,
Tiruchirappalli District Amaravathi Consumers
Co-operative Wholesale Stores Ltd.,
Post Box No.308,
No.1, Old Goods Shed Road,
Tiruchirappalli - 620 002. ... Respondents/ Respondents

Prayer : Appeal filed under Clause XV of the Letters Patent, against the order passed by this Court in W.P(MD)No.18647 of 2015, dated 04.07.2019.

Prayer in WP(MD) . 18647/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari calling for the records of the charge memo in Na.Ka.No.122/2015-16/CS dated 25.8.2015 issued by 1st respondent and the consequent notice of enquiry issued by the 3rd respondent dated 1.10.2015.

For Appellant : Mr.V.O.S.Kalaiselvam
For Respondents : Mr.J.Gunaseelan Muthiah
Additional Government Pleader
for R.1



COMMON JUDGMENT

[Judgment of the Court was delivered by **M.DURAISWAMY, J.**]

The above writ appeals have been filed by the writ petitioners in W.P(MD)Nos.18646 and 18647 of 2015. The appellants/writ petitioners filed the said writ petitions to issue writs of Certiorari challenging the charge memos dated 25.08.2015 issued by the first respondent and the consequent notices of enquiry dated 01.10.2015 issued by the third respondent.

2. The contention of the appellants/writ petitioners was that the first respondent is not the competent authority to issue the charge memos and therefore, the charge memos are liable to be set aside. The learned Single Judge after taking into consideration various judgments, dismissed the writ petitions holding that the writ petitioners have got remedy by way of revision and the writ petitions filed by them without exhausting the alternative remedy provided under the provisions of the Tamil Nadu Co-operative Societies Act for the redressal of their grievances, are not maintainable. Further, the learned Single Judge gave liberty to the writ petitioners to raise all the legal grounds including the competency and jurisdiction of the authority who issued the charge memos and the allegations regarding the *malafide* before the revisional authority.

3. When the learned Single Judge has categorically held that the writ petitioners are having alternative remedy before the revisional authority under the Tamil Nadu Co-operative Societies Act and also given liberty to them to raise all the legal grounds including competency and jurisdiction of the authority, we do not find any reason to interfere with the orders passed by the learned Single Judge. The appellants/writ petitioners have to exhaust the alternative remedy provided under the said Act.

4. In such view of the matter, we are not inclined to interfere with the orders passed by the learned Single Judge and accordingly, both the Writ Appeals are dismissed. No costs. Consequently, the connected Civil Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)



rsb

To

The Deputy Registrar/Managing Director,
Tiruchirappalli District Amaravathi Consumers
Co-operative Wholesale Stores Ltd.,
Post Box No.308,
No.1, Old Goods Shed Road,
Tiruchirappalli - 620 002.

+1 CC to SPL GP SR-103427, 103428

W.A(MD)Nos. 1427 & 1428 of 2019
and
C.M.P(MD)Nos.11603 & 11604 of 2019
04.12.2019

MK (17.12.2019) 4P 3C