

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2020

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No.16155 of 2020 and
W.M.P.Nos.20143 & 20144 of 2020

P.Senthamaraikannan

...Petitioner

Versus

1. The Chairman,
Common Cadre Authority/
Joint Registrar of Cooperative Societies,
Villupuram Region, Villupuram,
Villupuram District.

2. The President,
CL.SPL.131, Melarungunam Primary
Agricultural Cooperative Credit Society,
Melarungunam Village,
Anaiyeri Post 605 201.
Gingee Taluk, Villupuram District.

...Respondents

PRAYER : petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the entire records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.8458/2019/Tho.Vae.Sa dated 26.06.2020 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.L.P.Shanmugasundaram, SGP

ORDER

This writ petition has been filed to call for the entire records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.8458/2019/Tho.Vae.Sa dated 26.06.2020 and quash the same.

2. The petitioner was working as Secretary in the second respondent Society. He came to be placed under suspension on 11.09.2018, pending contemplation of charges. Subsequently, a charge memo was issued containing 85 articles of charges followed by a detailed enquiry. On conclusion of the enquiry, majority of the charges being found proved, he was dismissed from service vide proceedings of the first respondent dated 26.06.2020. The said proceedings is a subject matter of challenge in this writ petition.

3. When the writ petition came up for admission, Mr.L.P.Shanmugasundaram, learned Special Government Pleader appeared on behalf of the respondents submitted that as against the impugned order, there is a remedy available under Section 153 of the Tamil Nadu Cooperative Societies Act . The remedy provided under Section 153 is an effective remedy of revision and without exhausting the same, the present writ petition has been filed by the petitioner.

4. This Court is in agreement with the submission made on behalf of the respondents. When an effective revisional remedy is envisaged in the act, the same has to be exhausted before invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. This is more so, in this case, when there were 85 articles of charges framed against the petitioner and majority of the charges found to be established, in which case, in the fitness of things, it is better that the petitioner exhaust the revisional remedy available under Section 153 of the Act. In such circumstances, the revisional authority alone would be in an effective position to appreciate the revisional application, his factual explanation to the charges and the enquiry conducted against him, including the ultimate punishment imposed upon him.

5. In the above circumstances, this Court finds that the writ petition is premature and therefore, the same is not to be entertained. Hence, the writ petition is dismissed. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar(L.A)

//True Copy//

Sub Assistant Registrar

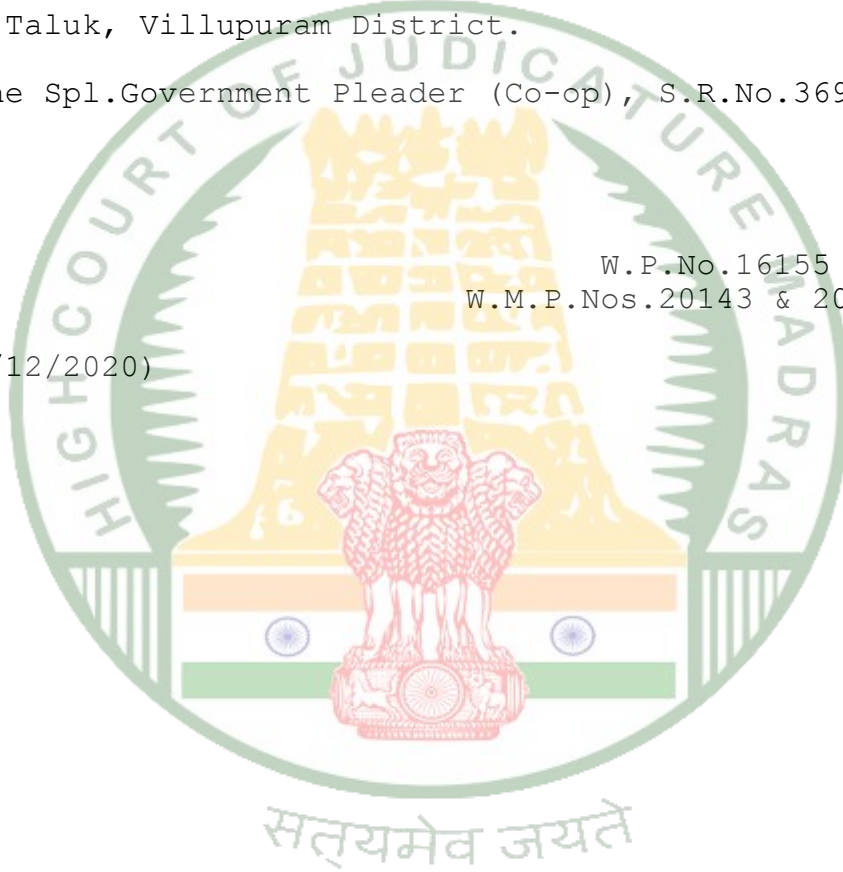
To

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+1cc to the Spl.Government Pleader (Co-op), S.R.No.36925

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rr ii (23/12/2020)



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