

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 02-01-2020
CORAM
THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.35763 of 2019

M.Jayashree

... Petitioner

-Vs-

- 1.The Joint Registrar of Cooperative Credit Societies,
Thiruvallur Division,
Thiruvallur.
- 2.The District Registrar of Co-operative Credit Societies,
Ponneri Circle,
Ponneri.
- 3.The President,
JJ 732, Arumandai Primary Co-operative Credit Society,
Arumandai Village, Pudur Post,
Ponneri Taluk, Thiruvallur District,
- 4.The Secretary,
JJ 732, Arumandai Primary Co-operative Credit Society,
Arumandai Village, Pudur Post,
Ponneri Taluk, Thiruvallur District,

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to dispose the representation dated 08.11.2019 by taking necessary steps to get the job of the petitioner at Arumandai Primary Agricultural Co-operative Credit Society and also to provide job security to work under the 3rd and 4th respondents or any other direction.

For Petitioner : Mr.S.N.Ravikumar
For Respondents : Mrs.K.Bhuvaneswari
Additional Government Pleader

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2.This writ petition has been filed directing the 3rd and 4th respondents to implement the orders passed by the first

respondent in exercise of the powers under Section 153 of the Co-operative Societies Act, dated 08.07.2019 and to grant the consequential attendant benefits.

3.The petitioner was appointed as a clerk in the 3rd respondent Society by an order dated 30.03.2015. The petitioner has alleged that she was facing a lot of harassment and animosity in the hands of the 3rd and 4th respondents, who are the President and Secretary of the Society and she was not allowed to sign in the attendance register.

4.The petitioner was terminated from service by an order dated 10.12.2018 passed by the 3rd respondent on the ground of unauthorized absence. Aggrieved by the same, the petitioner filed a revision petition before the 1st respondent under Section 153 of Co-operative Societies Act.

5.The first respondent after considering the entire fact and circumstances of the case and the explanation that was given by the petitioner to the charges framed against her, came to a categorical conclusion that the charges were not proved and consequently had set aside the order of dismissal passed by the 3rd respondent and directed the petitioner to be re-instated with all attendant benefits within a period of two weeks.

6.The grievance of the petitioner is that in spite of the orders passed by the first respondent, the petitioner was not allowed to rejoin the services of the 3rd respondent Society and the 3rd and 4th respondents are alleged to be preventing the petitioner from joining the service. Left with no other option, the present writ petition has been filed seeking for appropriate directions.

7.Heard the learned counsel on either side and perused the materials available on record.

8.The first respondent has already passed an order dated 08.07.2019 setting aside the order of dismissal passed by the 3rd respondent and has directed the petitioner to be reinstated into service with all attendant benefits. The first respondent had also fixed a time limit of two weeks to comply with the order. The grievance of the petitioner is that the 3rd and 4th respondents are refusing to comply with this order and are not permitting the petitioner to rejoin the service.

9.The order passed by the first respondent is binding upon the 3rd and 4th respondent. They are duty bound to obey the orders and permit the petitioner to rejoin service with all attendant benefits. If the 3rd and 4th respondents fail to comply with the order, they will expose themselves to disciplinary proceedings.

They do not have the right to prevent the petitioner from joining the service. It is unfortunate that the petitioner has been facing a lot of animosity from the 3rd and 4th respondents right from the beginning and the same is continued till now.

10. In view of the above discussion, there shall be a direction to the 3rd and 4th respondents to immediately implement the order passed by the 1st respondent dated 08.07.2019 and permit the petitioner to rejoin service with attendant benefits. This order shall be complied with within a period of one week from the date of receipt of copy of this order.

11. This writ petition is accordingly allowed. There shall be no order as to costs.

Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

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To

1. The Joint Registrar of Cooperative Credit Societies,
Thiruvallur Division, Thiruvallur.
2. The District Registrar of Co-operative Credit Societies,
Ponneri Circle, Ponneri.
3. The President,
JJ 732, Arumandai Primary Co-operative Credit Society,
Arumandai Village, Pudur Post,
Ponneri Taluk, Thiruvallur District,
4. The Secretary,
JJ 732, Arumandai Primary Co-operative Credit Society,
Arumandai Village, Pudur Post,
Ponneri Taluk, Thiruvallur District.

+1cc to Mr.R.Priyakumar, Advocate, SR.No.84.

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PP(CO)
CSR:31.01.2020