



WEB COPY

WP(MD)No.4535 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 12.03.2020
CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.4535 of 2020

and

WMP(MD)No.3867 of 2020

Sumathi

... Petitioner

vs.

1)The Joint Registrar, (Finance cum Banking),
Office of the Registrar of Co-operative Societies,
No.170, Periyar EVR Salai,
Kilpakkam, Chennai.

2)The Deputy Registrar,
Office of the Deputy Registrar,
Kumbaknam, Thanjavur District.

3)The Secretary,
Z 832 Primary Agricultural Co-operative Credit Society,
Thirumangaicherri,
Thiruvidaimarudur Taluk,
Thanjavur District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No.1336/2019/Pu Ma dated 25.11.2019 and quash the same and consequently direct the respondents to reinstate the petitioner into service and pay all attendant benefits within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.B.Jameel Arasu

For Respondents : Mr.M.Rajarajan, Government Advocate

ORDER

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No.1336/2019/Pu Ma dated 25.11.2019 and quash the same and consequently direct the respondents to reinstate the petitioner into service and pay all the attendant benefits within the time stipulated by this Court.

2.Mr.M.Rajarajan, learned Government Advocate takes notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

3.The petitioner would submit that she has completed diploma in Co-operative Management. She was appointed as Salesman in the 3rd

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respondent Co-operative Society on 24.03.2016 vide resolution No.73 on a consolidated pay of Rs.5,000/- per month. Her services were regularised on 01.09.2017 vide resolution No.82 dated 01.9.2017 of the 3rd respondent and thereafter she was fixed in the time scale of pay of Rs.3300-8000/- as per G.O.Ms.No.185, dated 29.12.2010. While so, the 3rd respondent orally informed the petitioner not to attend duty from 01.08.2019 and thereafter, on 25.11.2019, the 2nd respondent issued the impugned proceedings vide Na.Ka.No.1336/2019/Pu Ma, relieving the petitioner from her duties from 31.07.2019 vide resolution No.61, stating that her appointment was made contrary to the Registrar's Circular and the Rules. According to the petitioner, due to political influence, the impugned order has been passed, without even issuing notice or without conducting enquiry. Hence, she has filed this writ petition challenging the above order.

4.Heard the learned counsel for the petitioner as well as the learned Government Advocate for the respondents.

5.It is not disputed that the petitioner's services has been regularised vide Board's Resolution No.82, dated 01.09.2017 by relying G.O.Ms.No.185, dated 29.12.2010. It is also not disputed that the petitioner's termination had been taken place after the change in the respondent Society after election. On the face of the impugned order, it is seen that notice has not been issued to the petitioner before terminating her from service. While terminating the services of the petitioner, the petitioner has also not been given any opportunity of hearing which is against the principles of natural justice. The only reason stated is that since the audit had made objections, she had been terminated. Therefore, considering the facts and circumstances of the case and taking into account that no notice has been issued to the petitioner before terminating her from service, I am inclined to interfere with the impugned order.

6.Accordingly, the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No.1336/2019/Pu Ma, dated 25.11.2019, is set aside and the respondents are directed to reinstate the petitioner into service forthwith. The respondents are at liberty to proceed against the petitioner if necessary, in the manner known to law.

With the above direction, the writ petition is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

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/ /2020

Sub Assistant Registrar(CS)



To

1)The Joint Registrar, (Finance cum Banking),
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No.170, Periyar EVR Salai,
Kilpakkam, Chennai.

2)The Deputy Registrar,
Office of the Deputy Registrar,
Kumbaknam,
Thanjavur District.

3)The Secretary,
Z 832 Primary Agricultural Co-operative Credit Society,
Thirumangaicherri,
Thiruvidaimarudur Taluk,
Thanjavur District.

+1 CC to M/s.B.JAMEEL ARASU, Advocate (SR-11617[F] dated 13/03/2020

ORDER MADE IN

W.P(MD)No.4535 of 2020

DATED : 12.03.2020

SMA/17/08/2020/3P/5C