



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P. (MD)No.13038 of 2020

and

W.M.P (MD) Nos.10980, 10989, 10991 and 10993 of 2020

S.Boominathan

... Petitioner

Vs.

1.The Joint Registrar of Cooperative Societies,
Madurai Region, Kanaga Apartment,
Chinnachockikulam, Madurai-02.

2.A3083, Tamil Nadu State Transport
Corporation (Madurai Division) Employees
Co-operative Credit Society,
Rep by its President,
Pattukottai Kalyanasundaram Street,
Bye-pass Road,
Madurai-625 010.

3.The Managing Director/
Co-operative Sub Registrar,
A3083, Tamil Nadu State Transport
Corporation (Madurai Division) Employees
Cooperative Credit Society,
Pattukottai Kalyanasundaram Street,
Bye-pass Road,
Madurai-625 010.

... Respondents

PRAYER : This Writ Petition filed under Article 226 of Constitution of India for issuance of Writ of Certiorari, calling for the records pertaining to the impugned order of suspension passed by the third respondent dated 01.08.2018 which is being extended periodically and consequently direct the respondents to reinstate the petitioner with back wages and all other attendant benefits from 01.08.2018.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.K.P.Narayanakumar
Special Government Pleader



O R D E R

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

WEB COPY

2.This Writ Petition has been filed to quash the impugned order of suspension passed by the third respondent dated 01.08.2018 which is being extended periodically and consequently, to direct the respondents to reinstate the petitioner with back wages and all other attendant benefits from 01.08.2018.

3.Though the writ petition is filed for a larger relief, the learned counsel appearing for the petitioner in the course of his argument, restricted the relief for issuing a direction to the respondents to consider and pass appropriate orders on the petitioner's representations, dated 04.08.2018 and 11.02.2019.

4.When the matter was taken up for hearing on 04.11.2020, this Court directed the respondents to clarify as to whether the suspension order is extended beyond one year period or not and reason for non re-instatement the petitioner in the third respondent Society.

5.Today, when the matter is taken up for hearing, the learned Special Government Pleader appearing for the respondents would submit that certain facts were not brought into the knowledge of the Court while the order was passed on 04.11.2020 that the petitioner can very well approach the Registrar of Co-operative Societies by way of revision. In the present case, the petitioner has filed the revision and the same is pending before the Registrar. He would further submit that the suspension order is in existence even today and permission for extension can be granted at any point of time by the concerned Officer. The lapse is only on the part of the concerned Officer by not granting permission for extension. Therefor the suspension order is in force as on date.

6.In reply, the learned counsel appearing for the petitioner would submit that as per the by-laws prior permission is necessary for any extension to extend the suspension order beyond one year period. In the present case, no such extension order was obtained and therefore, as on date there is no suspension. Further, he brought into the knowledge of this Court that the Registrar has rejected the petitioner's revision vide order dated 22.10.2020. Hence, appropriate directions may be issued to dispose of the representation of the petitioner as stated above.

7.The learned Special Government Pleader appearing for the



respondents would submit that only the third respondent is the concerned authority to dispose of the petitioner's representation and the representation of the petitioner will be considered on merits and in accordance with law.

8. In view of the above, this Court directs the third respondent to dispose of the petitioner's representations dated 04.08.2018 and 11.02.2019, by taking into consideration of the validity of the suspension order passed by the third respondent and in the light of the By-Law No. 31(3) within a period of eight weeks from the date of receipt of a copy of this order on merits and in accordance with law.

9. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

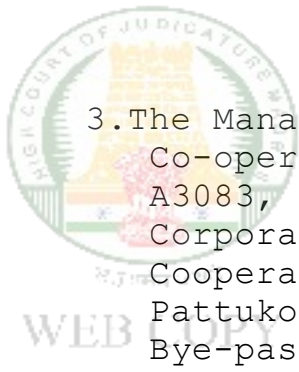
Sub Assistant Registrar (CS)

cp

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:-

1. The Joint Registrar of Cooperative Societies,
Madurai Region, Kanaga Apartment,
Chinnachockikulam,
Madurai-02.
2. The President, A3083, Tamil Nadu State Transport
Corporation (Madurai Division) Employees
Co-operative Credit Society,
Pattukottai Kalyanasundaram Street,
Bye-pass Road,
Madurai-625 010.



3.The Managing Director/
Co-operative Sub Registrar,
A3083, Tamil Nadu State Transport
Corporation (Madurai Division) Employees
Cooperative Credit Society,
Pattukottai Kalyanasundaram Street,
Bye-pass Road, Madurai-625 010.

+1 cc to The Special Government Pleader Sr.No.26033

W.P. [MD] No.13038 of 2020
15.12.2020

KM (06.01.2021) 4P 5C