



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.01.2020**

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P. (MD)No.10259 of 2018

and

W.M.P (MD)Nos.9294 and 9295 of 2018

A.Arjunan

... Petitioner

/vs./

- 1.The Joint Registrar of Co-operative Societies,
Food and Consumer Protection and
Co-operative Society Department,
Collectorate Complex,
Ramanathapuram.
 - 2.The Deputy Registrar of Co-operative Societies,
Department of Co-operative Society,
Paramakudi,
Ramanathapuram District.
 - 3.The President,
Semanoor Primary Agricultural Co-operative Credit Society,
Ariyakudi, Paramakudi Taluk,
Ramanathapuram District.
 - 4.The Enquiry Officer-Arjunan Disciplinary Proceedings,
Semanoor Primary Agricultural Co-operative Credit Society,
Ariyakudi, Paramakudi Taluk,
Ramanathapuram District.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified mandamus, to call for the impugned dismissal from service order vide proceeding No.Nil. Dated 17.04.2017 on the file of third respondent and Revision proceedings vide Na.Ka.No.2251/2017/Sa pa dated 25.01.2018 received on 13.04.2018 on the file of the first respondent and to quash the same as illegal and direct the respondent to order fresh enquiry on charge memo dated 07.11.2016 issued on the petitioner by third respondent society in the disciplinary proceedings.

For Petitioner

: Mr.Raja Karthikeyan



For R-1, R-2 and R-4 : Mr.R.Sethuraman,
Special Government Pleader

For R-3 : Mr.D.Muruganandam

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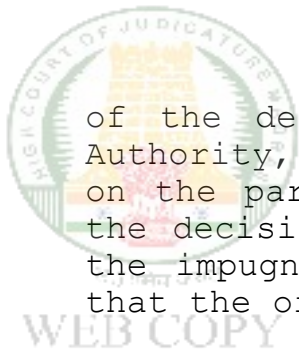
ORDER

Based on certain charges levelled against the petitioner, on 07.11.2016, the petitioner was subjected to departmental enquiry and the Enquiry Officer had also submitted his report on 04.03.2017. Pursuant to the same, a show cause notice came to be issued on 13.03.2017, to which the petitioner has given his representation. Not being satisfied with the reasons adopted by the petitioner in the representation, an order dated 17.04.2017 came to be passed imposing the punishment of dismissal from service. Aggrieved over the same, the petitioner had preferred a revision before the first respondent herein on 03.05.2017 and the first respondent herein had passed the impugned revisional order on 25.01.2018. The order of dismissal passed by the third respondent as confirmed by the first respondent in the revision, are under challenge in the present writ petition.

2.Though several grounds have been raised by the petitioner challenging the dismissal order as well as the revisional order, the learned counsel for the petitioner had predominantly addressed this Court on the ground that the order passed by the first respondent in the revision under Section 153 of the Tamil Nadu Co-operative Societies Act, is a non speaking order and is also in violation of principles of natural justice.

3.A perusal of the order dated 25.01.2018 reveals that apart from the facts as reflected in the pleadings and the submission made by the petitioner, together with the findings of the Enquiry Officer, no independent findings have been rendered by the first respondent herein while exercising his power under Section 153 of the Tamil Nadu Co-operative Societies Act. It is an established position of law that whenever a Revisional Authority considers the order impugned before them, there is a duty cast on them to independently analyze and verify as to whether the grounds raised in the revision have been sufficiently dealt with and as to whether due opportunities were extended to the parties during the course of enquiry proceedings and whether the punishment imposed on the delinquent employee, is in conformity with the levelled charges.

4.In the instant case, though the revision order seems to be a lengthy order, apart from the narration and extract of the factual aspects, the independent findings of the Revisional Authority is conspicuously absent. As a matter of fact, while extracting some



of the decisions relied by the petitioner before the Revisional Authority, the decision has been extracted whereas the justification on the part of the revisional authority to abstain from following the decisions, have not been expressed. From a overall perusal of the impugned revisional order, this Court is of the affirmed view that the order itself could be termed as a non speaking order.

5. Apart from the aforesaid aspects, there is no indication in the revisional order as to the consideration of the petitioner's objection in the light of the objection raised by him in his written arguments. Had such objection being duly considered, it could have been said that an opportunity was extended to the petitioner. On the contrary, in the absence of consideration of the petitioner's objection, it can be said that due opportunity has not been extended to the petitioner to put forth his case before the Revisional Authority and therefore, the order can also be termed to be in violation of principles of natural justice.

6. For all the forgoing reasons, I am of the affirm view that the order of Revisional Authority itself cannot be sustained and the same requires reappraisal. Since such a decision is being taken by this Court, I do not intend to go into the merits of the order passed by the original authority imposing the punishment of dismissal from service, since it would be appropriate for the Revisional Authority to once again reassess the entire case afresh.

7. In the light of the forgoing observations, the impugned order passed by the first respondent herein dated 25.01.2018 under Section 153 of the Tamil Nadu Co-operative Societies Act, is set aside and the matter is remanded back to the first respondent for fresh consideration. The petitioner herein is also at liberty to raise additional grounds and place further arguments before the Revisional Authority during the course of re-appraisal. The Revisional Authority shall endeavour to complete the revisional proceedings as expeditiously as possible, after giving due opportunity to the petitioner.

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

Sd/-

Assistant Registrar (AD-I)

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/ /2020

Sub Assistant Registrar (CS)



To

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Food and Consumer Protection and
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2.The Deputy Registrar of Co-operative Societies,
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3.The Enquiry Officer-Arjunan Disciplinary Proceedings,
Semanoor Primary Agricultural Co-operative Credit Society,
Ariyakudi, Paramakudi Taluk,
Ramanathapuram District.

+2 CC to M/s.RAJA.KARTHIKEYAN, Advocate (SR-4009 & 4508

+1 CC to M/s.SPL.GP (SR-4319[F] dated 31/01/2020)

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