



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2020

CORAM:

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

W.P. (MD) No. 7012 of 2017

and

W.M.P. (MD) No. 5536 & 5537 of 2017

WEB COPY

M.Ravichandran

... Petitioner

/vs./

1.The Joint Registrar of Co-operative Society,
O/o. The Joint Registrar of Co-operative Society,
Madurai Region, Madurai.

2.The Management,
A 3087 Tamil Nadu Electricity Board,
Employees Cooperative Stores Ltd.,
Electricity Board Campus,
Pasumalai, Bykara,
Madurai - 625 004.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent in his proceedings in Na.Ka.5294/14/Sa.Ba, dated 08.03.2016 (revision petition No.11/2014) confirming the order passed by the 2nd respondent in his proceedings Nil dated 21.08.2014 and quash the same as illegal and consequentially to direct the respondents to reinstate the petitioner along with all monetary and attendant benefits.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates
For R-1 : Mr.M.Jeyakumar
Additional Government Pleader

ORDER

On a set of charges, the petitioner was subjected to departmental enquiry and by order dated 21.08.2014, passed by the second respondent, the petitioner was dismissed from the services. Aggrieved against the order of dismissal, the petitioner had preferred a revision under Section 153 of the Tamil Nadu Co-operative Societies Act before the first respondent herein, who had also confirmed the punishment imposed by the second respondent, through his order dated 08.03.2016. Both the orders of the respondents herein are to be challenged in the present writ petition.

2. Though the petitioner herein had raised several grounds challenging the order of punishment imposed, the learned counsel for



the petitioner would submit that pending writ petition, the petitioner was acquitted from the charges in the criminal proceedings by Judgment dated 24.11.2017 in C.C.No.4 of 2014 by the learned Judicial Magistrate III, Madurai. In view of the order of acquittal, the learned counsel for the petitioner would submit that a direction could be given to the first respondent to re-consider the issue in the light of the acquittal order.

3. The learned Special Government Pleader would submit that the nature of proof in criminal proceedings as well as the departmental action are distinct from each other and as such, the petitioner's acquittal may not have any bearing on the disciplinary action initiated by the respondents herein.

4. I do not intend to go into the veracity of the grounds raised by the petitioner herein. However, by taking into account of the fact that the charge memo levelled against the petitioner by the Department is almost similar to that of the criminal charges filed against the petitioner in C.C.No.4 of 2014, I am of the view that the order passed in the revision by the first respondent may have some bearing, in view of the subsequent acquittal order passed. However, such a decision could be taken by the first respondent itself and this Court may not be justified in re-appreciating the findings of the first respondent, on the strength of the acquittal order, particularly, when such an acquittal order was not available before the first respondent, when the order in revision came to be passed. As such, it would be appropriate to call upon the first respondent herein to consider the revision petition afresh, in the light of the acquittal order.

5. For all the foregoing reasons, the impugned order passed by the first respondent in Na.Ka.5294/14/Sa.Pa, dated 08.03.2016 is set aside. Consequently, the first respondent shall re-consider the revision petition filed by the petitioner under Section 153 of the Tamil Nadu Co-operative Societies Act afresh, after giving due opportunity to the petitioner by taking into account the order of the criminal proceedings dated 24.11.2017 in C.C.No.4 of 2014 by the learned Judicial Magistrate III, Madurai. The first respondent shall endeavour to complete the procedures as expeditiously as possible, in any event within a period of three (3) months from the date of receipt of a copy of this order. This Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

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/ /2020

Sub Assistant Registrar(CS)



The Joint Registrar of Co-operative Society,
O/o. The Joint Registrar of Co-operative Society,
Madurai Region, Madurai.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-6843[F]

+1 CC to M/s.SPL.GP (SR-6781[F] dated 18/02/2020)

Order made in
W.P. (MD) No. 7012 of 2017
Dated: 17.02.2020

SMA/06/03/2020/3P/4C