



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:24.11.2021

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The Hon'ble Mr. Justice V.PARTHIBAN

W.P.No.15494 of 2021

&

W.M.P.Nos.16421 & 16422 of 2021

The Management of HH, 472,
Vazhur Agaram Primary Agriculture
Cooperative Society,
Rep by its President C.Latha,
Vandavasi Taluk, Tiruvannamalai District.

...Petitioner

Vs.

1.The Joint Registrar,
Cooperative Societies,
Tiruvannamalai Region,
Tiruvannamalai District.

2.M.Dhanasekaran

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari, calling for the records of the first respondent in his proceedings in Revision Order dated 13.07.2021 has in Revision No.04/2021 sapa (Na.Ka.No.2632/2021 sapa) granted an order of stay of the suspension order dated 23.06.2021 passed against the 2nd respondent and quash the same.

For Petitioner .. L.P.Shanmuga Sundaram
For Respondents .. L.Chandra Kumar

ORDER

The petitioner is a Cooperative society and is before this Court aggrieved by the action of the first respondent in passing orders in Revision Petition dated 13.07.2021, granting a stay of suspension of the second respondent dated 23.06.2021 and also restraining the society from initiating any action against him pending disposal of the Writ Petition.



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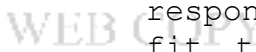
2.The brief facts of the case are that the petitioner society is involved in providing financial assistance to its members including agriculture and jewel loan. It has annual turnover of more than Rs.3 Crore. The Society has been in existence for the last 54 years.

3.The second respondent was an employee working as salesman in the various Cooperative Shops earlier coming under the control of the petitioner/Society. According to the petitioner/Society, there are several complaints by the public against the second respondent that he had been misusing the family cards of the public and taking away essential commodities meant for the card holders and also misappropriation of funds. There were several allegations of malpractices and misappropriation of the funds of society. As a response to the several acts of omissions and commissions by the second respondent, the Board of Directors of the Society has passed a resolution on 21.06.2021 to take action against him and a further resolution was passed on 23.06.2021 to suspend the second respondent from service.

4.As against the order of suspension dated 23.06.2021, the second respondent filed a revision before the first respondent under Section 153 of the Tamil Nadu Cooperative Societies Act and the first respondent by order dated 13.07.2021 granted an order of interim stay of suspension passed against the second respondent. While granting the stay of the suspension order, the first respondent has also ruled that no further action should be initiated against him. As against the same, the present Writ Petition has been filed.

5.The learned counsel appearing for the petitioner society strongly urged that the second respondent being accused of several acts and omission in discharge of duties, had been placed under suspension by resolution of the Board of the society on 23.06.2021. The first respondent without due appreciation of the facts and circumstances under which the second respondent was placed under suspension, had interfered with the same by staying the suspension order and also restraining the society from taking any action against him, pending disposal of the Writ Petition.

6.According to the learned counsel, it would be a wrong signal to all the members of the society, if such employee like the second respondent herein is allowed to go a Scott-free without facing any disciplinary action to be initiated against him for his serious acts of misconduct. He would therefore



7.Mr.L.Chandra Kumar, learned counsel for the second respondent would submit that the Revisional Authority thought fit to interfere in the matter and therefore the suspension order passed against the second respondent came to be stayed. According to him, that the Revisional Authority is empowered to stay the order in terms of the provisions of the Cooperative Societies Act and there was nothing legally wrong in the exercise of such power in the facts and circumstances of the case.

9. From the contents of the averments in the counter affidavit filed on behalf of the first respondent, it is quite strange to note that the first respondent has gone overboard in protecting the second respondent from being proceeded against alleged acts of misconduct. Instead of sparing his energy in filing detailed counter affidavit, he could have atleast disposed of the Revision petition pending before him in one way or the other. On this point, there was no averment as to when he is proposing to dispose of the Revision Petition.

In the light of the above, the first respondent is directed to dispose of the Revision Petition pending within a period of two weeks from the date of receipt of copy of this order on merits and in accordance with law.

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11. Accordingly, the Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions stand closed.

s/d-
Assistant Registrar

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Sub-Assistant Registrar

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To

The Joint Registrar,
Cooperative Societies,
Tiruvannamalai Region,
Tiruvannamalai District.

+1 CC to Mr.L.Chandra Kumar, Advocate sr 60837
+1 CC to The Government Pleader sr 61114.

W.P.No.15494 of 2021

KG(CO)
SP(16/12/2021)