



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:19.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD)No.10061 of 2012

S.Devakumar

... Petitioner

Vs.

1. The Joint Registrar of Co-operative Societies (Incharge)
Office of the Joint Registrar of
Co-operative Societies,
Trichirapalli Zone,
Trichy.

2. The Sub Registrar of Co-operative Societies/
The Special Officer (Additional Incharge)
YM9, Vairichettipalayam Primary Agricultural
Co-operative Credit Society Ltd.,
Thuraiyur Taluk,
Trichy District.

3.The Enquiry Officer,
of the Sub Registrar of Co-operative Societies,
Trichirapalli Zone,
Trichy.

... Respondents

Prayer:

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the first respondent in his proceedings Na.Ka.9904/11/Sa.Pa. Dated 16.04.2012 and confirming the order of the second respondent dated 31.10.2011 and quash the same and consequently, direct the second respondent to reinstate the petitioner as Salesman with arrears of salary and with all monetary and attendant benefits.

For Petitioner : Mr.Mohamed Ayub
for M/s.Veera Associates

For Respondents : Mr.P.Mahendran,
Additional Government Pleader



ORDER

This writ petition is filed by the petitioner, calling for the records pertaining to the impugned order of the first respondent in his proceedings Na.Ka.9904/11/Sa.Pa., dated 16.04.2012 and confirming the order of the second respondent, dated 31.10.2011 and quash the same and consequently, direct the second respondent to reinstate the petitioner as Salesman with arrears of salary and with all monetary and attendant benefits.

2.The case of the petitioner is that he joined as a Salesman in the second respondent Office during the year 1980 and his service was regularized on 27.02.2007. While so, the petitioner was suspended from service on 08.05.2010 for certain irregularities in the sale of agricultural fertilizers and also for the cause of financial loss to the respondent Society. Due to which, the second respondent issued a charge memo on 08.11.2020. Though the charge memo was issued against the petitioner, the petitioner was allowed to continue as a Salesman, till the final order was passed. Further, after conducting a detailed enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, again the petitioner was suspended for the pendency of the criminal case. Pursuant to which, a domestic enquiry was conducted on 22.06.2011 and thereafter, the petitioner gave his explanation on 14.07.2011 to the second respondent stating that he was not responsible for the financial loss caused to the respondent Society and also agreed to pay the entire loss amount to the Society. Without considering the explanation given by the petitioner, the second respondent issued a second show cause notice on 29.09.2011 and the petitioner was dismissed from service on 31.10.2011. Aggrieved over the same, the petitioner has preferred a revision under Section 153(1) of the Tamil Nadu Co-operative Societies Act, before the first respondent and the same was rejected on 16.04.2012. Challenging the said rejection order, the present writ petition is filed.

3.The learned counsel appearing for the petitioner submitted that since the remedy available to the petitioner is only to approach the Review Authority under Section 154 of the Tamil Nadu Co-operative Societies Act, this Court may permit the petitioner to work out his remedy before the Review Authority and to file a review application under Section 154 of the Tamil Nadu Co-operative Societies Act, within a reasonable time as fixed by this Court.

4.The learned Additional Government Pleader appearing for the respondents would submit that he has no serious objection for considering the petitioner's request.

5.Considering the submissions made on either side, this Court has not interfered with the order impugned herein. Hence, this Writ Petition is dismissed. However, liberty is granted to the writ petitioner to file a Review Petition under Section 154 of the Tamil



Nadu Co-operative Societies Act, within a period of two weeks from the date of receipt of a copy of this order. If any review is filed, the Review Authority is directed to consider the same and pass appropriate orders as expeditiously as possible. No costs.

WEB COPY

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1. The Joint Registrar of Co-operative Societies (Incharge)
Office of the Joint Registrar of Co-operative Societies,
Trichirapalli Zone, Trichy.
2. The Sub Registrar of Co-operative Societies/
The Special Officer (Additional Incharge)
YM9, Vairichettipalayam Primary Agricultural
Co-operative Credit Society Ltd.,
Thuraiyur Taluk, Trichy District.
3. The Enquiry Officer,
of the Sub Registrar of Co-operative Societies,
Trichirapalli Zone,
Trichy.

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-6528[F] dated
22/02/2021)

Order made in
W.P. (MD)No.10061 of 2012
19.02.2021

KUN(CO)
SRS (01/03/2021) 3P : 5C