



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2021

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. (MD)No.277 of 2020

and

C.M.P. (MD)No.1969 of 2020

The Special Officer,
M.P.71, Aranmanaipudur,
Primary Agricultural Co-operative Bank,
Aranmanaipudur,
Theni District.

... Appellant / 2nd Respondent

Vs.

1.P.Markkandan

... 1st Respondent / Petitioner

2.The Joint Registrar of Co-operative Societies,
Theni Region,
Theni.

... 2nd Respondent/2nd Respondent

Prayer : Appeal filed under Clause 15 of the Letters Patent against the order passed by this Court in W.P.(MD)No.14924 of 2013, dated 16.12.2019.

Prayer in WP(MD). 14924/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records quashing the impugned order dated 15.04.2013 issued by the 1st respondent to the petitioner in Revision Petition No. 3 of 2012 and to direct the respondent to reinstate this petitioner in the post of salesman with backwages and pass such further or other orders.

For Appellant : Mr.V.O.S.Kalaiselvam

For R1 : Mr.P.M.Vishnuvarthanan

For R2 : Mr.J.Gunaseelan Muthaiah
Additional Government Pleader

J U D G M E N T

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

This Writ Appeal has been preferred by the appellant laying a challenge to the order of the learned Single Judge, who on perusing the record, was pleased to set aside the order of dismissal passed, as confirmed by respondent No.2/revisional



2.The learned counsel appearing for the appellant submitted that respondent No.1/writ petitioner admitted deficiency of the stock, a charge memo was given after hearing him. He reiterated the same before the revisional authority. Therefore, the learned Single Judge was wrong.

3.The learned counsel appearing for respondent No.1/writ petitioner submitted that though the admission with respect to the deficiency cannot be construed as a misappropriation, the records would reveal that he was having an ailment of diarrhea and he left the place. It is further submitted that respondent No.1/writ petitioner has also given a letter to the appellant stating that he would not even press for back wages, as ordered by the learned Single Judge.

4.The learned Single Judge considered the records while passing orders. Though it is admitted that there is some deficiency of stock, the misappropriation cannot be inferred.

5.In such view of the matter, we do not wish to interfere with the order of the learned Single Judge with respect to reinstatement. This is for the reason that even otherwise, there is a negligence on the part of respondent No.1/writ petitioner.

6.Now, the learned counsel appearing for respondent No.1/writ petitioner submitted that he is not pressing back wages as ordered by the learned Single Judge and a letter has been given to that effect.

7.In view of the above, the order of the learned Single Judge with respect to awarding 50% back wages alone is set aside and the order of the learned Single Judge insofar as it relates to reinstatement of respondent No.1/writ petitioner stands confirmed.

8.This Writ Appeal is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



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

The Joint Registrar of Co-operative Societies,
Theni Region,
Theni.

+1 CC to Mr.V.O.S.KALAI SELVAM, Advocate (SR-
3715[F] dated 08/02/2021)

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