



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.09.2021

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P (MD)No.6109 of 2021

and

WMP (MD)No.4753 of 2021

WEB COPY

S.Sheela Devi,
Sales Woman,
Pullampadi West Fair Price Shop,
TY.SPL92 Pullampadi Primary Agricultural
Co-operative Credit Society,
Pullampadi Post, Lalgudi Taluk,
Thiruchirappalli District.

... Petitioner

Vs.

- 1.The Joint Registrar of Co-operative Societies,
Tiruchirappalli Region,
O/o. Joint Registrar of Co-operative Societies,
Tiruchirappalli District.
- 2.The Deputy Registrar of Cooperative Societies,
(Public Distribution System),
Tiruchirappalli,
Tiruchirappalli District.
- 3.The Deputy Registrar of Co-operative Societies,
Lalgudi,
Tiruchirappalli District.
- 4.The President,
TY.SPL92 Pullampadi Primary Agricultural
Co-operative Credit Society,
Pullampadi Post, Lalgudi Taluk,
Thiruchirappalli District.
- 5.D.Don Bosco,
Weighter,
Pullampadi East Fair Price Shop,
TY.SPL92 Pullampadi Primary Agricultural
Co-operative Credit Society,
Pullampadi Post, Lalgudi Taluk,
Thiruchirappalli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order of suspension passed by the 4th respondent herein vide Nil dated 15.03.2021 and the



consequential order passed by the 4th respondent vide Nil dated 15.03.2021 and quash the same as illegal.

For Petitioner : Mr.B.Brijesh Kishore
For Respondents : Mr.S.Shanmugavel
Standing Counsel for R1 to R3
Mr.P.Mahendran, learned counsel for R4
Mr.S.Sukumar, learned counsel for R5

WEB COPY

ORDER

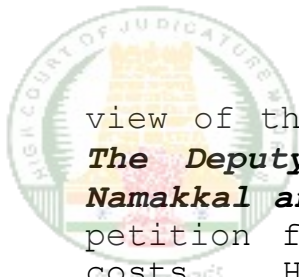
This Writ Petition has been filed seeking for issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order of suspension passed by the 4th respondent herein vide Nil dated 15.03.2021 and the consequential order passed by the 4th respondent vide Nil dated 15.03.2021 and quash the same as illegal.

2.By consent of both parties, the Writ Petition itself is taken up for final disposal at the admission stage itself.

3.Heard the learned counsel appearing for the petitioner and the learned Standing counsel appearing for the respondents 1 to 3 and perused the materials available on record.

4.According to the petitioner, she was appointed as a Sales Woman at Venkatachalapuram Primary Agricultural Co-operative Societies on 05.08.1999. For certain lapses, on an earlier occasion though she was terminated from service, however, at the instance of this Court, she was reinstated. While so, based on the impugned proceedings of the 2nd respondent dated 30.11.2020, the 4th respondent vide proceedings dated .01.2021 issued Charge Memo against the petitioner alleging that she distributed less Kerosene to the family card holders and failed to distribute additional rice with correct quantity. The said Charge Memo was challenged by the petitioner in W.P.(MD)No.3563 of 2021 on the grounds that no opportunity of personal hearing was given before issuing Charge Memo and that the relevant documents were not furnished. This Court, while disposing of the said writ petition, directed the 4th respondent to consider the petitioner's objections dated 04.02.2021 and 11.02.2021 and pass appropriate orders. Pursuant to the same, the 4th respondent passed a resolution on 24.02.2021 stating that the preliminary explanation made by the petitioner dated 11.02.2021 was not satisfactory and passed the impugned order of suspension vide his proceedings dated 15.03.2021 and consequential proceedings dated 15.03.2021 directing the petitioner to hand over the charge to the 5th respondent. Challenging the same the petitioner has come forward with the present petition.

5.The relief claimed by the petitioner is against the co-operative society. It is a well settled proposition that the writ petition against the co-operative society is not maintainable in



view of the Larger Bench judgment of this Court in "**K.Marappan Vs. The Deputy Registrar of Cooperative Societies, Namakkal Circle, Namakkal and another**" reported in 2006 (4) CTC 689. Hence, the writ petition fails and the same is dismissed as not maintainable. No costs. However, the petitioner is at liberty to approach the authorities concerned constituted under the Act and seek appropriate relief. No costs. Consequently, connected WMP is closed.

Sd/-

Assistant Registrar (AS)

// 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

- 1.The Joint Registrar of Co-operative Societies,
Tiruchirappalli Region,
O/o. Joint Registrar of Co-operative Societies,
Tiruchirappalli District.
- 2.The Deputy Registrar of Cooperative Societies,
(Public Distribution System),
Tiruchirappalli,
Tiruchirappalli District.
- 3.The Deputy Registrar of Co-operative Societies,
Lalgudi,
Tiruchirappalli District.

+1 CC to M/s.S.SUKUMAR, Advocate (SR-28899[F] dated 13/09/2021)

+1 CC to M/s.P.MAHENDRAN, Advocate (SR-28643[F] dated 09/09/2021)

+1 CC to M/s.GP (SR-28721[F] dated 09/09/2021)

W.P(MD)No.6109 of 2021
08.09.2021

RS (27.09.2021) 3P 7C