



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.7883 of 2021

M.Muthukumar

... Petitioner

-Vs-

1.The Joint Registrar of Co-operative Societies,
Madurai Region,
Madurai.

2.The Deputy Registrar of Co-operative Societies,
Madurai Region,
Madurai.

3.The Special Officer,
A-2445, T.Kallupatti Primary Agricultural
Co-operative Credit Society ltd.,
T.Kallupatti,
Madurai District.

4.The President,
A-2445, T.Kallupatti Primary Agricultural
Co-operative Credit Society Ltd.,
T.Kallupatti,
Madurai District.

5.The Secretary,
A-2445, T.Kallupatti Primary Agricultural
Co-operative Credit Society Ltd.,
T.Kallupatti,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to appoint the petitioner as Salesman in A-2445, T.Kallupatti Primary Agricultural Co-operative Credit Society Ltd., at T.Kallupatti, Madurai District, on the basis of the recommendation letter of the 4th respondent dated 10.04.2019 and the Resolution passed by the 4th Respondent dated 30.05.2019, on the basis of the petitioner's representation dated 27.01.2020.

For Petitioner : Mr.S.Sadeskumar

For Respondents : Mr.C.M.Mari Chellaiah Prabhu
Additional Government Pleader



ORDER

This Writ Petition is filed to direct the respondents to appoint the petitioner as Salesman in A-2445, T.Kallupatti Primary Agricultural Co-operative Credit Society Ltd., at T.Kallupatti, Madurai District, on the basis of the recommendation letter of the 4th respondent, dated 10.04.2019 and the Resolution passed by the 4th Respondent, dated 30.05.2019, based on the representation of the petitioner, dated 27.01.2020.

2.Mr.C.M.Mari Chellaiah Prabhu, learned Additional Government Pleader takes notice on behalf of the respondents.

3. According to the petitioner, he was working as a Salesman in the third respondent Society. While he was working, the Revenue Enforcement Wing conducted a surprise inspection and made some allegations against him as if the petitioner had misappropriated an amount of Rs.4,83,286/-. After that, a charge memo was issued against him and he appeared and explained before the third respondent on 22.12.2009. The petitioner has sent a representation on 01.07.2010 to the third respondent to reopen the enquiry and to inspect the documents and seeking further time for his submission. Finally, the Inspector of Police, Civil Supply, Criminal Investigation Department, filed referred charge Notice before the learned Judicial Magistrate No.II, Madurai and in the criminal case pending against him, action was dropped. On 26.10.2010 the third respondent has issued a second show cause notice to the petitioner and the petitioner has sent a representation on 02.11.2020 seeking further time for reply. Thereafter, on 05.01.2011, without even considering his representation and without considering the fact that the action was dropped in the criminal case, the third respondent has issued the termination order.

4.The petitioner has sent a representation on 04.01.2017 to the respondents to consider his grievances and seeking reinstatement. On 04.01.2017, the fourth respondent also sent a letter to the first respondent stating all reasons and seeking permission to reinstate him as a salesman. Due to non-consideration of his representation, dated 04.01.2017, he filed a writ petition in W.P(MD)No.1808 of 2018. This Court, by order, dated 05.02.2018, directed the first respondent therein to consider the representation of the petitioner, dated 04.01.2017. Thereafter, the fourth respondent passed a resolution seeking permission to the first respondent to reinstate the petitioner into service. The first respondent rejected the representation of the petitioner, dated 04.01.2017 and the recommendation sent by the fourth respondent. Hence, the petitioner has come out with the present writ petition.



5.From the above submissions, it is seen that the petitioner was terminated from service, for certain allegations after conducting the domestic enquiry, on 05.01.2011. The petitioner did not challenge the order of termination, but he has given representation in the year 2017 to the first respondent. The first respondent did not pass any orders. Therefore, the petitioner filed a writ petition in W.P(MD)No.1808 of 2018 before this Court. This Court, by order, dated 05.02.2018 directed the first respondent therein to consider the representation of the petitioner, dated 04.01.2017 and pass orders on merits. In the meanwhile, the fourth respondent passed a resolution recommending reinstatement of the petitioner into service and sent the resolution to the first respondent. According to the petitioner, the first respondent after considering the representation of the petitioner and resolution of the fourth respondent, rejected the representation of the petitioner. The petitioner has not challenged the said order, but, he has given representations on 28.12.2018 and 27.01.2020 to appoint him as salesman in the fourth respondent Society based on the resolution passed by the fourth respondent. The petitioner having failed to challenge the order of termination, order of the first respondent rejecting the representation of the petitioner and resolution passed by the fourth respondent, he is not entitled to relief sought for in the present writ petition.

6.Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (T&P)

// 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.

Am



To

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+1 CC to M/s.S.SADESKUMAR, Advocate (SR-16082[F] dated 16/04/2021)

W.P. (MD) No.7883 of 2021

16.04.2021

GS (27.04.2021) 4P 7C