



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.17003 of 2021

and

W.M.P.Nos.18023 & 18024 of 2021 and 22267 of 2021

A.Adhiyaman Neduman Anchi

... Petitioner

vs.

1.The Deputy Registrar of
Cooperative Societies,
Dharmapuri Circle,
Dharmapuri,
Dharmapuri District.

2.The President,
K.K.162, N.S.Reddiyur Primary
Agricultural Cooperative
Credit Society,
N.S.Reddiyur Post - 636 804,
Dharmapuri Taluk & District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings in Na.Ka.No.4723/2019 Nu.Ku, dated 14.07.2021 and quash the same.

For Petitioner : Mrs.Hemalatha for
C.Prakasam

For R1 : Mr.P.Ganesan
Additional Government Pleader

For R2 : Mr.M.R.Gokulkrishnan
Additional Government Pleader

O R D E R

This writ petition has been filed seeking to quash the impugned order passed by the 1st respondent in his proceedings in Na.Ka.No.4723/2019 Nu.Ku, dated 14.07.2021.



2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. The case of the writ petitioner is that the petitioner was working as Senior Clerk in the 2nd respondent society and he was suspended from service for the alleged shortage over credit in the accounts by which the society incurred loss to the tune of Rs.2,53,539/-. Therefore, the then President of the society instructed the petitioner to repay the said amount together with interest. Accordingly, the petitioner has repaid Rs.3,76,200/-, but the then President passed a termination order on 12.01.2017. Against which, the petitioner has approached the Labour Court and thereafter, he made a representation to the 2nd respondent to review the termination order and reinstate him into service. The 2nd respondent instructed the petitioner to withdraw the case pending before the Labour Court. Thereafter, the 2nd respondent has gone into the termination order and review the order, he passed an order on 26.02.2021 to reinstate the petitioner into service. Accordingly, the petitioner was reinstated into service as Senior Clerk. Thereafter, the 1st respondent sent a communication to the 2nd respondent by his proceedings dated 14.07.2021 directing the 2nd respondent to terminate the petitioner from service and cancel the resolution, otherwise he is going to take further action against the 2nd respondent. Hence the petitioner has filed the present writ petition.

4. The learned Additional Government Pleader appearing for the 1st respondent has filed a counter affidavit, wherein it is stated that the petitioner can very well file a revision petition under Section 153 of the Tamilnadu Cooperative Societies Act 1983. But, without exhausting the said remedy, the petitioner has approached this Court as against the orders passed by the 1st respondent.

5. Accepting the said contention of the 1st respondent, this Court is of the view that the present writ petition is liable to be dismissed.

6. Accordingly, the writ petition stands dismissed by giving liberty to the petitioner to file a revision petition before the Revisional Authority, under Section 153 of the Tamilnadu Cooperative Societies Act 1983. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar



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To

1. The Deputy Registrar,
Cooperative Societies,
Dharmapuri Circle,
Dharmapuri,
Dharmapuri District.
2. The President,
K.K.162, N.S.Reddiyar Primary
Agricultural Cooperative
Credit Society,
N.S.Reddiyar Post - 636 804,
Dharmapuri Taluk & District.

+1cc to the Government Pleader, S.R.No.14631

W.P.No.17003 of 2021
and

W.M.P Nos.18023 & 18024 of 2021
& W.M.P No.22267 of 2021

SVI (CO)
SB(17/03/2022)