



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.3182 OF 2014

P.K.Subramaniam

... Petitioner

Vs

1. The Joint Registrar of Co-operative Societies,
Erode Region,
Erode.
2. The Deputy Registrar of Co-operative Societies,
Gobichettipalayam Circle,
Gobichettipalayam,
Erode District.
3. The President (Previously Special Officer)
A.A.553, Sathyamangalam Primary Agricultural
Co-operative Credit Society Ltd.,
Northpet- 638 401,
Sathyamangalam,
Erode District.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for records relating to orders passed by the first respondent in Na.Ka.No. 5304/ 2010 Sa.Pa dated 05.09.2013 confirming the orders of the third respondent dated 12.4.2010 and quash the same and direct the respondents to reinstate the petitioner in to service with back wages and all other consequent attendant benefits.

For Petitioner : Mr.S.Kamadevan

For Respondents : Mrs.S.Anitha [For R1 and R2]
Special Government Pleader

: Mr.Ma.Pa.Thangavel [For R3]



O R D E R

The order of termination issued by the third respondent-Cooperative Society in proceedings dated 12.04.2010 and the revisional order passed by the first respondent in proceedings dated 05.09.2013 are under challenge in the present writ petition.

2. The petitioner was working as Manager in the third respondent Sathyamangalam Primary Agricultural Co-operative Credit Society Limited. Disciplinary proceedings were initiated against him and he was placed under suspension in proceedings dated 18.08.2003. The petitioner filed W.P.No.3891 of 2004, challenging the order of suspension and this Court set aside the order of suspension on 24.02.2004. However, the departmental disciplinary proceedings initiated were proceeded in accordance with rules.

3. The learned counsel for the petitioner mainly contended that an exparte enquiry was conducted as the petitioner did not participate in the enquiry. After completion of enquiry and submission of the enquiry report, a second show cause notice was issued to the writ petitioner in the proceedings dated 29.09.2004. The said show cause notice reveals that the Management of the third respondent-Cooperative Society proposed to impose the punishment of reduction in time scale of pay at the lower stage and to recover 25% of the salary every month till such time the financial loss is recovered.

4. The learned counsel for the petitioner states that the petitioner has not raised any objection in respect of the said punishment. While so, the third respondent ought to have confirmed the said punishment of reduction of pay including recovery of the financial loss. But contrary to the proposed punishment contemplated in the second show cause notice dated 29.09.2004, the third respondent issued the impugned order of termination in proceedings dated 12.04.2010.

5. It is contended that if at all the proposed punishment is to be deviated, then the petitioner is entitled for a show cause notice with reasons. However, no such show cause notice was issued to the writ petitioner. Contrarily, an unilateral decision was taken by the Management of the third respondent Co-operative Society to terminate the services of the writ petitioner contrary to the proposed punishment stated in the second show cause notice. The revisional authority has also not considered this specific ground raised in this regard. Contrarily, the revisional authority proceeded merely based on



and the revisional order passed by the first respondent in proceedings dated 05.09.2013, are quashed. The matter is remanded back to the third respondent for issuing a fresh second show cause notice to the petitioner setting out the reasons for deviating the proposed punishment stated in the second show cause notice dated 29.09.2004 and thereafter proceed by providing opportunity to the writ petitioner. In this regard the third respondent is directed to issue the fresh second show cause notice to the writ petitioner setting out the facts and circumstances and details within a period of four weeks from the date of receipt of a copy of this order. The petitioner is at liberty to submit his explanation / objection along with the documents, if any, within a period of two weeks from the date of receipt of the copy of the show cause notice to be issued by the third respondent. Thereafter, the third respondent is directed to consider the merits of the case and pass appropriate final orders, as expeditiously as possible. Till such time the process is completed, it is made clear that the petitioner need not insist for reinstatement.

11. With the above directions, the writ petition stands allowed. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

ars/nti

To

1. The Joint Registrar of Co-operative Societies,
Erode Region, Erode.
2. The Deputy Registrar of Co-operative Societies,
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Gobichettipalayam, Erode District.
3. The President (Previously Special Officer)
A.A.553, Sathyamangalam Primary Agricultural
Co-operative Credit Society Ltd.,
Northpet- 638 401,
Sathyamangalam, Erode District.

+lcc to Mr.S.Kamadevan, Advocate, S.R.No.32431

+lcc to M/s.Ma.Pa.Thangavel, Advocate, S.R.No.33314

+lcc to the Government Pleader, S.R.No.33636

W.P.No.3182 of 2014

KK(CO)
RLP(21/06/2022)