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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.03.2022

Coram

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.16234 of 2020 and
WMP No.20282 of 2020

M. Chandrasekaran, S/o Munusamy ... Petitioner

Vs.

1. The Secretary to Government,
Cooperative Food and Consumer Protection Department,
Fort St. George, Secretariat, Chennai 600 009.
2. The Chairman, Common Cadre Authority,
Joint Registrar of Cooperative Societies,
Collectorate, Villupuram, Villupuram District.
3. The President, CL.SPL.128, Nallavur Primary
Agricultural Cooperative Credit Society,
Nallavur Post, Vanur Taluk, Villupuram District.

... Respondents

PRAYER: Writ petition filed under Section 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to dispose the Statutory Revision filed under Section 153 of Tamil Nadu Cooperative Societies Act, 1983 by the petitioner on 16.09.2020, within a stipulated time, as fixed by this court.

For Petitioner : Mr.C.Prakasam

For respondents: Mrs.S.Anitha, Special Govt. Pleader,
for R1 and R2
Mr.V.Kamaraj, for R3

ORDER

This petition has been filed seeking to issue a Writ of Mandamus, directing the first respondent to dispose the Statutory Revision filed under Section 153 of Tamil Nadu Cooperative Societies Act, 1983 by the petitioner on 16.09.2020, within a stipulated time, as fixed by this court.



2. The case of the petitioner in brief:

The petitioner was appointed as Clerk in the third respondent Society on 04.06.1993 and then, he was promoted as Secretary on 01.08.2011. The petitioner was suspended on 15.09.2018 and the third respondent paid Subsistence Allowance to the tune of Rs.1,30,000/- , as against Rs.5,72,500/-. Subsequently, he was served charge memo for shortage of stock. In this connection, the third respondent appointed a domestic enquiry officer, but the first respondent alone having power to proceed the disciplinary proceedings, as against the Secretary, vide G.O.Ms.No.14 dated 12.02.2019. Though, the petitioner made representation before the enquiry officer to pay Subsistence Allowance, his request was refused and he filed report before the second respondent, who in turn issued show cause notice. Further, without furnishing domestic enquiry report, the second respondent had passed the order on 10.07.2020 terminating the petitioner from service. The petitioner filed a Revision before the first respondent to revoke the termination order. The above said Revision is still pending, without any progress. Hence this writ petition.

3. In the counter affidavit, it is stated that the petitioner being the Common Cadre Service Employee, as per Rule 31 of the Tamil Nadu Primary Agricultural Cooperative Credit Societies Common Cadre Service Rules, 2019, he has to file Statutory Appeal only before the Registrar of Cooperative Societies, Chennai and not before the first respondent.

4. The learned Special Government Pleader appearing for the first and second respondent submitted that if any such revision is pending before the first respondent, it will be considered, if it is in order and appropriate orders will be passed in accordance with law.

5. In view of the above submissions and also considering the limited scope of prayer, without expressing any opinion on merits, this court is inclined to pass the following order.

i) If the Revision petition filed by the petitioner is in order, the first respondent is directed to consider the same and pass appropriate orders on its own merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

ii) If such Revision is not in order, then, the findings and defects shall be communicated to the petitioner, at an earliest by the first respondent.



6. With the above directions, this writ petition is disposed of. No costs. Consequently, connected writ miscellaneous petition is closed.

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Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

mst

To

1. The Secretary to Government,
Cooperative Food and Consumer Protection Department,
Fort St. George, Secretariat, Chennai 600 009.
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Nallavur Post, Vanur Taluk, Villupuram District.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.17404
+1cc to the Government Pleader, S.R.No.17739

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MT (CO)
SB(07/04/2022)