



WEB COPY



W.P.No.31205 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.31205 of 2022
and WMP Nos.30643 and 30644 of 2022

1.K.Gajalakshmi
2.R.Kannammal
3.A.Rajendran
4.S.Nandhakumar

..... Petitioners

Vs

1. The Joint Registrar of Co-operative Societies,
Coimbatore Region, Arokiyasamy Street,
K.K.Pudur Post, Coimbatore – 641 038.
2. The Deputy Registrar of Cooperative Societies,
Pollachi Circle,
No.16, Kamarajar Street, Mahalingapuram,
Pollachi-642 002, Coimbatore District.
3. The President,
K.1718, Vagarayampalayam Primary Agricultural
Cooperative Credit Society,
Vagarayampalayam Post-641 659,
Sulur Taluk,
Coimbatore District

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.2315/2021/Sa.Pa.

Dated 02.11.2022 and quash the same.

<https://www.mhc.tn.gov.in/judis>



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For petitioners ... Mr.C.Prakasam
For Respondents ... Mr.G.Ameedius
Government Advocate
For R.1 and R.2
Mr.A.Anandan
Government Advocate
For R.3

ORDER

The grievance of the petitioners in this writ petition is that the President of the Cooperative Society is not the competent authority to initiate action against the petitioners with regard to pay fixation. The petitioners rely upon the order dated 01.09.2022 passed in their own cases made in W.P.No.19813 of 2022. In the said order, the learned Single Judge has observed that a power delegated to the Joint Registrar, cannot be usurped by the Deputy Registrar.

2. Heard Mr.C.Prakasam, learned counsel for the petitioners and Mr.G.Ameedius, learned Government Advocate accepts notice on behalf of the respondents 1 and 2 and Mr.A.Anandan, learned Government Advocate accepts notice for the third respondent. By consent of both the parties, the main writ petition has been taken up for final disposal.

3. Since the impugned order in W.P.No.19813 of 2022, with regard to pay

<https://www.mhc.gov.in/judis> fixation, was passed by the Deputy Registrar, the learned Single Judge had



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quashed the said impugned order and allowed the writ petition.

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4. Learned counsel for the petitioners would submit that despite the said order, a communication has been sent by the Deputy Registrar to the President of the Society calling upon him to take action with regard to the erroneous pay fixation.

5. Admittedly, no action has been initiated against the petitioners. The petitioners have only challenged an internal communication between the Deputy Registrar and President. While that be so, the question of entertaining this writ petition at this stage will not arise.

6. Learned counsel for the petitioners would now submit that the petitioners may be granted liberty to challenge any proceeding, if initiated by the President of the Society in the near future with regard to pay fixation of the petitioners, in the manner known to the petitioners under law.

7. No prejudice would be caused to any of the parties if such a liberty is granted.



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ABDUL QUDDHOSE ,J.,

sr

8. Accordingly this writ petition is disposed of by granting liberty to the petitioners as prayed for. No costs. Consequently, connected miscellaneous petitions are closed.

23.11.2022

2/2

Index: Yes/ No

Speaking Order/Non-speaking Order

sr

To

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