



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Special Original Jurisdiction)

Wednesday, the Twenty Third day of February
Two Thousand and Twenty Eight

PRESENT

The Hon`ble Mr.Justice M.S.RAMESH

WMP(MD) No.2751 of 2021

IN

WP(MD) No.3389 of 2021

D.S. RAMACHANDRAN

... PETITIONER/PETITIONER

Vs

THE DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETIES,
OFFICE OF THE THE DEPUTY REGISTRAR OF
CO-OPERATIVE SOCIETIES, SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to grant an order of Stay all further proceedings of the impugned order passed by the respondent in his proceedings in Thanda Nadavadikai No. 04/19-20 in Na.Ka.5780/2019/Saba dated 12.08.2020, pending disposal of the Writ Petition.

Prayer in WP(MD). 3389/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorari calling for the records pertaining to the impugned order issued by the respondent in his proceedings in Thanda Nadavadikai No. 04/19-20 in Na.Ka.5780/2019/Saba dated 12.08.2020, quash the same as illegal.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.M.MOHAN GANDHI, Advocate for the petitioner and of Mr.P.Mahendran, Additional Government Pleader on behalf of the Respondent the court made the following order:-

Mr.P.Mahendran, learned Additional Government Pleader, takes notice on behalf of the respondent.



2.It is the case of the respondents that based on the audit objections dated 31.12.2018, the society has incurred loss owing to the petitioner's conduct and therefore, have issued the impugned order seeking for recovery of the loss. The audit objection was on 31.12.2018 and the petitioner had retired even prior to that on 31.03.2018. The Hon'ble Full Bench of this Court in its decision, in the case of **S.Andiyannan Vs. The Joint Registrar, Co-operative societies, Madurai Region and another** reported in **2015 (3) LLN 483 (FB) (Mad.)** had held that no disciplinary proceedings can be initiated against the retired employee of the Co-operative Society, in the absence of any bye-laws enabling the authority to proceed with the Disciplinary proceedings. On a *prima facie* view, the respondents may not have authority to have passed the impugned order. This aspect requires further deliberations.

3.However, since the petitioner has made out a *prima facie* case, there shall be an order interim stay till 23.03.2021.

4.The learned Additional Government Pleader seeks time to file counter. Post the matter on 23.03.2021.

sd/-
23/02/2028

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETIES,
OFFICE OF THE THE DEPUTY REGISTRAR OF
CO-OPERATIVE SOCIETIES, SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.

+1 C.C. to M/S.S.M.MOHAN GANDHI, Advocate SR.No.1392

ORDER
IN
WMP(MD) No.2751 of 2021
IN
WP(MD) No.3389 of 2021
Date :23/02/2028

NR/PN/SAR-I(02.03.2021) 2P:3C