

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2022

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.12809 of 2022

and

W.M.P.(MD)Nos.13474 & 14106 of 2022

D.Anantharaj Navamani Robin

... Petitioner

**Vs.**

1.The Joint Registrar of Cooperative Societies /  
Chairman of the Common Cadre Service Authority,  
Thoothukudi Region,  
Office of the Joint Registrar of Co-operative Societies,  
39B, T.R.Nayudu Street, 1<sup>st</sup> Floor,  
Thoothukudi District.

2. The Deputy Registrar of Cooperative Societies,  
Office of Deputy Co-operative Officer,  
Medona Street,  
Veera Pandian Pattinam,  
Tiruchendur,  
Thoothukudi District.

3.EE 423, Udankudi Primary Agricultural Co-operative Society,  
Represented by its President,  
29A, Sathiyamoorthy Bazar,  
Udaangudi,  
Tiruchendur Taluk,  
Thoothukudi District.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the 1st Respondent in Na.Ka.2387/2022/Tho Ve Koo Sa dated 16.06.2022 and quash the same.

For Petitioner : Mr.N.Dilip Kumar  
For R1 & R2 : Mr.Veera Kathiravan  
Additional Advocate General  
assisted by Mr.S.Shanmugavel  
Additional Government Pleader

**ORDER**

Heard the learned counsel appearing for the petitioner and the learned Additional Advocate General assisted by the learned Additional Government Pleader appearing for the official respondents.

2. There is no dispute that the writ petitioner is employed as Secretary of the Government Cooperative Society. There is no dispute that the writ petitioner belongs to the common cadre as contemplated under Section 75 of the Tamil Nadu Co-operative Societies Act, 1983. By the impugned order, he has been suspended from service for a period of three months. It is seen that the impugned order was passed by the Joint Registrar of the Cooperative Societies in her capacity as Chairman of the Common Cadre Service Authority for the Tuticorin Region. Section 75(3) of the said Act states that the common

cadre authority shall be a committee consisting of both officers of the Government and non-officials and the total strength of such committee shall not exceed five. It is only such a committee which can take decision regarding suspension of a common cadre employee. In this case, the committee had not taken the decision as such.

3. The Joint Registrar of the Co-operative Societies appears to have taken a decision on her own, of-course, in her capacity as the chairman of the common cadre authority. When the statute contemplates that the committee after deliberation must take a decision, it is not open to the chairman to take an individual or unilateral decision. The impugned order suffers from lack of jurisdiction. On this sole ground, it stands quashed. I make it clear that I have not gone into any other aspect of the matter including merits.

4. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

**14.09.2022**

Index : Yes / No  
Internet : Yes/ No  
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**G.R.SWAMINATHAN, J.**

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