



W.P(MD)No.22367 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD).No.22367 of 2015

and

M.P(MD).No.1 of 2015

K. Muthaiah,
President of Q-976,
Primary Agricultural Co-operative
Society,
Virudunagar District.

: Petitioner

Vs

1. The Registrar,
Cooperative Societies,
Chennai

2. The Joint-Registrar,
Cooperative Societies,
Virudhunagar District.

3. Ganesan,

: Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorari, calling for the records relating
to impugned proceedings in review petition No.1/15 in Na.Ka.No.1687/15



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sapa passed by the 2nd respondent dated 12.10.2015 and quash the same.

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For Petitioner : No Appearance
For R1 and R2 : Mr.S.Shanmugavel
Additional Government Pleader
For R3 : Mr.S.Manickam

ORDER

This writ petition had been filed for writ of Certiorari to quash the impugned proceedings in review petition No.1/15 in Na.Ka.No.1687/15 sapa passed by the second respondent, dated 12.10.2015.

2.The contention of the petitioner Society is that the third respondent misbehaved with one lady staff of the Society and she preferred a complaint before a police station. Hence, the third respondent was dismissed from service. Thereafter, he joined as Watchman before the petitioner Society. On 07.10.2014, one Chinnasamy had applied for medical leave for 25 days. Since the third respondent is having experience as salesman, the third respondent was directed to take charge as sales man at Ellanthaikulam Fair Price Shop, but he refused to accept the same and stated that he is not willing to accept the job as salesman and he has never turned to duty. The Directors of the Society have decided to suspend the third respondent and he was suspended from



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service on 08.10.2015. Subsequently, charges were framed against the third respondent, an enquiry officer was appointed and the third respondent was directed to appear before the enquiry officer. The third respondent did not turn up. Two charges were framed against the third respondent, wherein, the third respondent did not obey the order of the administration and the second one is that he was not willing to do his duty while in his service. The enquiry officer sent two intimation letters to him, thereafter, the third respondent submitted his explanation before the enquiry officer. In that, he admitted that he refused to receive the order of the Society to take charge as salesman. Based on the explanation, the Society has taken disciplinary action against him. Then, the third respondent has filed a review petition to the second respondent in Review Petition No.1/2015, wherein, the second respondent passed an order in favour of the third respondent and directed the petitioner Society to reinstate the third respondent regularize his service including the suspension period without back wages. Aggrieved over the same, the present petition has been filed by the management.

3.Though the petitioner was granted several opportunities, there is no representation on behalf of the petitioner management.



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4. When the matter is taken up for hearing, the learning Counsel appearing for the third respondent submitted that during the pendency of this petition, the third respondent has attained superannuation on 21.05.2021. The petitioner management has not disbursed any terminal benefits.

5. In the impugned proceedings the second respondent directed the petitioner to reinstate the third respondent, but the third respondent had attained superannuation and hence there is no possibility of reinstatement. Hence, the Society shall pay backwages to the third respondent and the backwages shall be calculated from 12.10.2015 (the date on which the impugned order was passed) till 21.05.2021 (the date of superannuation).

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

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Index : Yes / No
Internet : Yes/ No



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lr

To

1. The Registrar,
Co.Operative Societies,
Chennai

2. The Joint-Registrar,
Co.Operative Societies,
Virudhunagar District.



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S.SRIMATHY, J.

lr

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