



W.P(MD)No.22436 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.22436 of 2022

and

W.M.P.(MD)No.16637 of 2022

A.Jeyamani

... Petitioner

Vs.

1.The Joint Registrar of Co-Operative Societies,
Theni Region, Theni District.

2.The Deputy Registrar,
Periyakulam Circle,
Theni District.

3.The President (In-charge),
MP.93, Mayiladumparai Primary Agricultural
Co-Operative Credit Society,
Mayiladumparai, Andipatti Taluk,
Theni District – 625 579.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the entire records relating to the Impugned order dated 29.07.2022 passed by the 3rd respondent and to quash the same and



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consequently to direct the respondents to reinstate the petitioner into the post of Clerk in the 3rd respondent Society within the time limit prescribed by this Court.

For Petitioner : Mr.M.S.Jeyakarthik

For Respondents : Mr.S.Shanmugavel,
Addl. Government Pleader.

ORDER

Heard the learned counsel on either side.

2.The petitioner was employed as Clerk in the third respondent society. He questions the impugned order dated 29.07.2022 whereby he has been removed from service.

3.Counter affidavit has been filed and the learned counsel on either side projected the stand set out in the respective pleadings. The impugned order has to set aside on a short ground. One Ramar was the President of the third respondent society. He was removed by the Joint Director of Cooperative Societies, Theni Region, vide proceedings dated



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24.06.2022 and one Perumal was appointed in his place. Questioning the said proceedings, Ramar filed W.P.(MD)No.15808 of 2022. I had granted interim stay of the said proceedings in W.M.P.(MD)No.11395 of 2022 in W.P.(MD)No.15808 of 2022 on 21.07.2022. Of course, Perumal was not shown as a party in the said writ proceedings but the facts remains that Ramar's removal was stayed by this Court. While so, Perumal has passed the impugned order on 29.07.2022. On this sole ground, the order impugned in this writ petition is set aside and the matter is remanded to the file of the competent authority. It is for the competent authority to pass order one way or the other based on the available materials after issuing notice to the writ petitioner.

4. With this liberty to the respondents, the writ petition is allowed.

No costs. Consequently, connected miscellaneous petition is closed.

21.11.2022

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

ias

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