



W.P(MD)No.26316 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26316 of 2022

and

W.M.P(MD)Nos.20484, 20485 & 20487 of 2022

K.Palanimurugan

... Petitioner

Vs

1.The Registrar of Co-operative Societies (Housing),
Tamil Nadu Co-operative Housing Federation,
2nd Floor, No.48, Retherathan Road,
Vepperi,
Chennai – 600 007.

2.The Co-operative Sub Registrar (Office)/
The Deputy Registrar of Co-operative Societies (Housing) (I/c),
Tirunelveli,
Tirunelveli District.

3.EE.289, Harvey Staff Co-operative Building Society Limited,
Represented by
The President,
No.106-J-58, Millerpuram,
Backside of Vikasa School,
Thoothukudi – 628 008.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorari, call for the records relating to the



W.P(MD)No.26316 of 2022

impugned order made in Na.Ka.2072/2022/E dated 31.10.2022 passed by the second respondent and quash the same as illegal.

For Petitioner : Mr.P.R.Prithviraj
For Respondents : Mr.R.Ragavendran
Government Advocate

ORDER

Heard the learned counsel on either side.

2. The petitioner was earlier working as Clerk in Thoothukudi Taluk Co-operative Housing Society Limited. He is now working as Secretary (In-charge) in EE.289, Harvey Staff Co-operative Building Society Limited. By the impugned order, the second respondent has directed initiation of disciplinary action against the petitioner herein. Questioning the same, the present writ petition has been filed.

3. The learned counsel appearing for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. Since they are essentially factual in nature, I am not inclined to interfere with the impugned order. However, the petitioner deserves to be given some relief. The petitioner states that he is being vexed repeatedly and that is why he had come to the Court on atleast two occasions earlier. The petitioner had earlier filed



W.P(MD)No.26316 of 2022

W.P(MD)No.8298 of 2021. It was disposed of by this Court in the following terms:

“6.From the materials available on record, it is seen that the petitioner was deputed to the fourth respondent Society as Secretary-in-charge by the first respondent, by proceedings, dated 07.02.2018 for a period of three years. Before expiry of three years, the third respondent gave a representation to the second respondent, dated 21.02.2018, to retain the petitioner in the fourth respondent Society itself. The second respondent has not passed any order on the representation. On the other hand, the second respondent referring to letter of the fourth respondent, dated 04.02.2021, directed the fourth respondent to relieve the petitioner to join in the third respondent Society. As per amended Rule 149(2-A) of the Tamil Nadu Co-operative Societies Rules, 1988, an employee of one Society can be deputed only for three years. In view of said Rule, the petitioner is not entitled to the relief sought for in the Writ Petition. At the same time, in the affidavit filed in support of the Writ Petition, the petitioner has stated that the third respondent Society is in financial difficulty and is unable to pay the salary of its employees and one of the employees viz., P.Andi, was permanently posted to TNEB Employees Building Society, Tirunelveli, which is not denied by the respondents. Therefore, liberty is given to the petitioner to make a representation requesting the first respondent to depute him to any other Society or permanently transfer him to any other



W.P(MD)No.26316 of 2022

Society, within a period of two weeks from the date of receipt of a copy of this order. If such representation is given by the petitioner, the first respondent is directed to consider the same and pass orders, taking into consideration G.O(Ms)No.71, Housing and Urban Development (HCS-2) Department, dated 26.02.2021, within a period of four weeks thereafter. Till such process is completed by the first respondent, the petitioner has to be retained in the fourth respondent Society.”

4. Thereafter, the petitioner was issued with an order of suspension. Questioning the same, the petitioner filed W.P(MD)No.12342 of 2022. Vide order dated 21.06.2022, interim stay was granted. This Court has taken note of the fact that the enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act did not reveal any commission of irregularity by the petitioner. In these circumstances, it is not necessary to once again suspend the petitioner. At the same time, the disciplinary action should not be kept pending indefinitely. Since the petitioner gives an undertaking that he is accepting this order and he is also willing to cooperate with the enquiry, the disciplinary action that is proposed to be initiated shall be concluded on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order. I make it clear that I have not gone into the merits of the matter. All the contentions of the writ petitioner are left open.



W.P(MD)No.26316 of 2022

5. This writ petition is dismissed. No costs. Consequently, connected

miscellaneous petitions are closed.

23.11.2022

Index : Yes / No

Internet : Yes/ No

mga

To

1.The Registrar of Co-operative Societies (Housing),
Tamil Nadu Co-operative Housing Federation,
2nd Floor, No.48, Retherathan Road,
Vepperi,
Chennai – 600 007.

2.The Co-operative Sub Registrar (Office)/
The Deputy Registrar of Co-operative Societies (Housing) (I/c),
Tirunelveli,
Tirunelveli District.

3.The President,
EE.289, Harvey Staff Co-operative Building Society Limited,
No.106-J-58, Millerpuram,
Backside of Vikasa School,
Thoothukudi – 628 008.



WEB COPY



W.P(MD)No.26316 of 2022

G.R.SWAMINATHAN, J.

mga

W.P(MD)No.26316 of 2022

23.11.2022