



W.P.No.16732 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2023

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.16732 of 2011

- 1.R.Kanagavalli (Deceased)
- 2.R.Ramachandran
- 3.R.Kiruthika
- 4.R.Abirami

... Petitioners

(P2 to P4 substituted as LRs of deceased sole petitioner vide order dated 26.04.2022 made in W.M.P.No.7534 of 2022 in W.P.No.16732 of 2011 by MSQJ)

Vs.

- 1.The Revisional Authority/ Joint Registrar of
Co-operative Societies, Coimbatore Region,
Coimbatore - 641 002.

- 2.No.2426, Ravuthur Primary agricultural
Co-operative Credit Society Ltd.,
Rep. by its Special Officer,
Ravuthur - 641 103, Irugur,
Coimbatore District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned revisional orders passed by the 1st Respondent in



W.P.No.16732 of 2011

RA.Na.Ka.9034/2010 Ve.2 dated 16.05.2011 confirming the order of dismissal passed by the 2nd Respondent dated 28.06.2010 and quash the same as null and void and consequently direct the 2nd Respondent to reinstate the petitioner into service with backwages, continuity of service and all other attendant benefits from the date of dismissal from service till the date of reinstatement.

For Petitioner : Mr.K.Premkumar

For Respondents : Mrs.Geetha Thamaraiselvan
Special Government Pleader (R1)
Mr.A.Deivasigamani
for Mr.G.B.Saravana Bhavan (R2)

ORDER

The writ petition is filed praying for a writ of Certiorarified Mandamus calling for the records relating to the impugned revisional orders passed by the 1st Respondent in RA.Na.Ka.9034/2010 Ve.2 dated 16.05.2011 confirming the order of dismissal passed by the 2nd Respondent dated 28.06.2010 and quash the same as null and void and consequently direct the 2nd Respondent to reinstate the petitioner into service with backwages, continuity of service and all other attendant benefits from the date of dismissal from service till the date of reinstatement.



W.P.No.16732 of 2011

2. The learned counsel for the petitioners submitted that the order of dismissal from service which was carried by way of Revision under Section 153 of Cooperative Societies Act, 1983 is under challenge on the premise that the Revisional Authority has proceeded to confirm the order merely recording the submission without rendering any findings nor applying his mind to the evidence or any of the submission made. It was thus submitted the entire exercise was only an empty formality and that the order of the Revisional Authority suffers from violation of principles of natural justice. It is submitted that the matters may be remitted back to the Revisional Authority for redoing the same, which was not resisted seriously by the Respondents.

3. On perusal of the impugned proceedings, I find that except for recording the submissions, it does not deal with the contentions nor set out any reason whatsoever. Any proceeding which has adverse civil consequences must be in compliance with principles of natural justice. One of the important facet of natural justice is that the opportunity must be real and meaningful and not one which is illusionary and unreal. It is now



W.P.No.16732 of 2011

beyond doubt that speaking order/ giving reasons is one facet of natural justice, a non-speaking order tends to arbitrariness. The learned counsel for the respondents also does not have any serious objection for remitting the matter back to the Revisional Authority.

4. In view thereof, the impugned order is set aside and the matter is remanded back to the Revisional Authority to rehear the revision and pass a speaking order, in accordance with law within a period of 3 months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition, if any, is closed.

27.06.2023

Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/ No

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W.P.No.16732 of 2011

WEB COPY To:

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- 2.The Special Officer,
No.2426, Ravuthur Primary agricultural
Co-operative Credit Society Ltd.,
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W.P.No.16732 of 2011

MOHAMMED SHAFFIQ, J.

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W.P. No.16732 of 2011

27.06.2023