



WEB COPY



Writ Petition No.3595 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.3595 of 2023

J.Thangavel

S/o.Jagadeesan

... Petitioner

Vs.

1.The Joint Registrar of Co-operative Societies,
Kancheepuram Region, Kancheepuram District.

2.The President,
Oragadam Primary Agricultural Cooperative Society,
Oragadam Village & Post,
Kancheepuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus directing the second respondent to implement the order of the Revisional Authority dated 30.08.2022 considering the petitioner's representation dated 05.09.2022 and reminder representation dated 19.12.2022 consequently issue an order of reinstatement of the petitioner.

For Petitioner : Mr.L.P.Shanmugasundaram

For R1 : Mr.Ru.Dinesh Rajkumar,
Additional Government Pleader

For R2 : Mr.V.Manoharan,
Additional Government Pleader



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ORDER

This writ petition has been filed for issuance of a writ of mandamus directing the second respondent to implement the order passed by the first respondent on 30.08.2022, based on the representation made by the petitioner on 05.09.2022.

2. The case of the petitioner is that he was initially appointed as a Clerk in the second respondent Society in the year 1993. Subsequently, he was promoted as a Senior Clerk in the year 2000 and further promotion was given as Assistant Secretary. The petitioner was placed under suspension pending disciplinary proceedings. Ultimately, the disciplinary proceedings ended in the termination of service of the petitioner through proceedings of the second respondent dated 20.02.2021.

3. The petitioner, aggrieved by the termination order passed by the second respondent, filed a revision before the first respondent under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983. The first respondent, on considering the entire materials, passed an order on 30.08.2022 and interfered with the punishment. Thereby, the punishment



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was modified and the petitioner was reduced in rank as a Senior Clerk and the period of termination of the petitioner from 20.02.2021 was directed to be treated as no work no pay.

4. The grievance of the petitioner is that in spite of the punishment being modified, the second respondent was not acting upon the same and the petitioner was not re-instated into service. Various representations were made by the petitioner in this regard. Since it did not evoke any response, the present writ petition has been filed seeking for appropriate directions.

5. Heard Mr.L.P.Shanmugasundaram, learned counsel appearing for petitioner and Mr.Ru.Dinesh Rajkumar, learned Additional Government Pleader appearing for first respondent respondent and Mr.V.Manoharan, learned Additional Government Pleader appearing for second respondent.

6. In the considered view of this Court, the order passed by the first respondent in the revision petition is binding on the second respondent and the second respondent cannot evade compliance of the



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said order. The punishment that was given to the petitioner was modified and hence, the petitioner has to be re-instated into service and has to be posted in the demoted position of Senior Clerk. In view of the same, there shall be a direction to the second respondent to comply with the orders passed by the first respondent within a period of two (2) weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the second respondent along with all relevant documents and also a copy of this order.

In the result, this writ petition is disposed of with above directions. No costs.

09.02.2023

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order

rap/gm

To

- 1.The Joint Registrar of Co-operative Societies,
Kancheepuram Region, Kancheepuram District.
- 2.The President,
Oragadam Primary Agricultural Cooperative Society,
Oragadam Village & Post,
Kancheepuram District.



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N.ANAND VENKATESH, J

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