



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.17361 of 2021

Arivukadal

... Petitioner

Vs.

1. Deputy Registrar of Co-operative Societies,
Cuddalore, Cuddalore District.

2. The President,
Rayanallur Primary Agricultural Co-operative Sangam,
Rayanallur, Cuddalore District.

... Respondents

PRAYER : This Writ Petition has been filed to issue a Writ of Mandamus, to direct the 2nd respondent to consider the representation dated 03.02.2020.

For Petitioner : Mr.D.Senthurkugan for
Mr.A.Gokulakrishnan

For Respondents : Mr.T.Arunkumar, AGP



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ORDER

The petitioner has filed this Writ Petition to issue a Writ of Mandamus to direct the 2nd respondent to consider the representation of the petitioner dated 03.02.2020.

2. Heard Mr.D.Senthurkugan, learned counsel for the petitioner and Mr.T.Arunkumar, learned Additional Government Pleader for the respondents.

3. The petitioner who was working as Salesman in the second respondent Society had been terminated from service by virtue of the order dated 25.08.2009 on some proved charges of misconduct. Subsequently, the petitioner filed a review petition and in which, an order has been passed on 31.10.2013. By virtue of the said order, the earlier termination order dated 25.08.2009 was set aside.

4. Since the order dated 31.10.2013 revealed that the petitioner remained himself absent from 2005 and later a notification was issued in



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the Newspaper on 30.04.2009. Consequent to that, the petitioner was terminated from service by order dated 25.08.2009. The order states that the termination order dated 25.08.2009 is set aside. But it has been made specific in the order that the petitioner was not reporting duty from 13.05.2005. The second respondent Society can invoke the Special Bye-law No.14(2) and take proceedings against him and the second respondent Society can also initiate surcharge proceedings against the petitioner for the alleged loss caused by him. Now the petitioner has filed this Writ Petition seeking reinstatement. The order dated 31.10.2013 cannot be straight away implied as an order for reinstatement in view of the set aside of the termination.

5. In fact the order made it specific that subsequent action can be initiated against the petitioner by observing Special Bye-law No.14(2) for his continuous absent from duty from 13.05.2005. However, the petitioner has given further representation to the second respondent on 03.02.2020. In the said representation it has been stated that he has given certain figures as the amount due to be paid by him and he has expressed



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his willingness to pay the same and also requested the appropriate authority to reinstate him in service. However, the second respondent has forwarded the representation of the petitioner to the first respondent on 13.02.2020. But so far, the first respondent did not pass any orders. In view of the same, I feel it is appropriate to direct the competent authority to consider the representation of the petitioner dated 03.02.2020.

6. In the result, this Writ Petition is disposed and the competent authority is directed to consider the representation of the petitioner dated 03.02.2020 which has been forwarded by the second respondent on 13.02.2020 and pass orders within a period of six weeks from the date of receipt of a copy of this order. No costs.

19.12.2023

Index : Yes

Internet : Yes/No

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To

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1. Deputy Registrar of Co-operative Societies,
Cuddalore, Cuddalore District.
2. The President,
Rayanallur Primary Agricultural Co-operative Sangam,
Rayanallur, Cuddalore District.



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R.N.MANJULA, J.

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