



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.04.2023

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THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.1527 of 2023

P.Muthiah

... Petitioner

vs.

1.The Deputy Registrar of
Cooperative Societies,
Virudhunagar Region, Virudhunagar.

2.The Joint Registrar of
Cooperative Societies,
Srivilliputhur Circle,
Virudhunagar District.

3.The Branch Manager,
Bank of Baroda,
Rajapalayam Branch,
Virudhunagar District.

4.The Branch Manager,
Virudhunagar Central
Cooperative Bank Limited,
Rajapalayam, Virudhunagar District.

5.S.Murugeshwari

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to take steps to appoint any other person as a Secretary in the 362 Rajapalayam Municipal Scavengers Cooperative Thrift and Credit Society Limited, Rajapalayam or permit the President to operate the bank accounts of the Society in view of representation, dated 13.10.2022 within the stipulated time.

For Petitioner	:Mr.M.Jothi Basu
For R1 and R2	:Mr.R.Ragavendran Government Advocate
For R4	:Mr.D.Shanmugaraja Sethupathy
For R3 and R5	:No Appearance

ORDER

The Writ Petition has been filed by the President of Rajapalayam Municipal Scavengers Cooperative Thrift and Credit Society Limited, at Rajapalayam, Virudhunagar District, in the nature of a Mandamus seeking a direction against the first respondent, Deputy Registrar of Cooperative Societies, Virudhunagar to appoint any person as a Secretary of the petitioner Society or to permit the petitioner, as President, to operate the bank accounts of the Society. The petitioner had given a representation, dated 13.10.2022.



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2. Heard Mr.M.Jothi Basu, learned Counsel for the petitioner, Mr.R.Ragavendran, learned Government Advocate for the first and second respondents and Mr.D.Shanmugaraja Sethupathy, learned Counsel for the fourth respondent.

3. The fifth respondent, S.Murugeshwari, was originally appointed as an Attender 12.03.2001. She was appointed as Secretary on 22.03.2007. She had the authority to operate the bank accounts. The cheque signing power was vested with the President and the Secretary. It is stated that the fifth respondent was placed under suspension on 03.03.2021. Subsequently, she filed W.P.(MD)No.7454 of 2021 and a stay was granted. She was permitted to join work. A charge memo was then issued on 19.04.2021. She submitted a reply. She then filed W.P.(MD)No.14825 of 2021 to quash the charge memo. She then went on long medical leave. The day-to-day administration of the Society was affected. The bank account could not be operated.



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4.A resolution was therefore passed to request the second respondent/Joint Registrar of Cooperative Society, Srivilliputhur in Virudhunagar District to appoint an other person as Secretary. A representation was also given. A further resolution was also passed to permit the President to operate the bank accounts. Thereafter, on 24.09.2021, a notice was issued to the fifth respondent as to why action should not be initiated on the basis of Enquiry Officer's report, dated 20.09.2021. The fifth respondent was then dismissed from service. She then filed an appeal before the fourth respondent.

5.It is thus seen that the fifth respondent appears to be oscillating to project her position as an employee of the Society itself. In the present Writ Petition, notice had been directed to the fifth respondent. The notice had been returned as unclaimed. Before it was returned unclaimed, on 08.02.2023, 09.02.2023 and 10.02.2023, intimation had been given to the residence of the fifth respondent that notice has been issued and that she should claim the notice. Notice had been issued by the Despatch Clerk(CS) of Madras High Court, Madurai Bench. This is an official communication and it is only expected that the fifth



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respondent should have received the said notice. Failure to receive the notice is deliberate and I hold that she had taken a conscious decision to abstain from appearing before this Court.

6.The learned Government Advocate had forwarded proceedings in Na.Ka.98/2022/Ni.Va, dated 02.03.2023 of the first respondent/Deputy Registrar of the Cooperative Societies, Virudhunagar, wherein, it had been stated that Thiru.G.Sekar, Manager of A-1244, Rajapalayam Agriculture Producers Cooperative and Marketing Society, had been appointed on temporary basis to act as Secretary of the petitioner Society as additional charge. This Court affirms such decision by the District Registrar.

7.It is directed that the said Thiru.G.Sekar should join duty in accordance with the aforementioned order of the first respondent before the petitioner herein and the petitioner may pass necessary resolution about the operation of the bank accounts and about the cheque signing powers for operating bank accounts and proceed to operate the bank accounts. A direction is also given to the third and fourth respondents to



act in accordance with the resolution passed by the petitioner that Thiru.G.Sekar joining in accordance with aforementioned proceedings of the first respondent.

8.No further orders are required.

9.The Writ Petitions stands disposed of. No costs.

Index :Yes / No
Internet :Yes
NCC : Yes/No

19.04.2023

cmr

To

1.The Deputy Registrar of
Cooperative Societies,
Virudhunagar Region, Virudhunagar.

2.The Joint Registrar of
Cooperative Societies,
Virudhunagar District.



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C.V.KARTHIKEYAN, J.

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Order made in
W.P.(MD)No.1527 of 2023

19.04.2023