



W.A(MD)No.693 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2023

CORAM :

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.A(MD)No.693 of 2023

M/s.DD 555, Kottampatti Primary
Agricultural Co-operative Credit Society,
At Kamatchipuram, Kottapatti Post,
Dindigul-624002 through its President.

... Appellant

vs.

1. T.M.Murugan

2. The Joint Registrar of Co-operative Societies,
Dindigul Region,
O/o Joint Registrar of Co-operative Societies,
Velunachiar Complex (Collectorate complex),
Dindigul.

3. The President,
Disciplinary Action Committee,
(The Joint Registrar of Co-operative Societies),
O/o. Joint Registrar of Co-operative Societies,
Velunachiar Complex (Collectorate complex),
Dindigul.

... Respondents

PRAYER : Appeal filed under Clause 15 of Letters Patent,
against the order passed in W.P(MD)No.11657 of 2019 dated
19.04.2022.

For Appellant	: Mr.R.Saravanan
For R1	: Mr.T.Ravichandran
For R2 to R4	: Mr.R.Ragavendran, Government Advocate



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JUDGMENT

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

The Writ Court has rightly set aside the punishment imposed by the President of the appellant Society on the ground that the delinquent employee being the Secretary comes under the common cadre of service and it is the Regional Joint Registrar who is the disciplinary authority.

2. The learned counsel for the appellant would, however, contend that the entire disciplinary proceedings are conducted by the Regional Joint Registrar and only the final order was passed by the President of the Society. Even assuming that the said contention is correct, still the order of the Writ Court cannot be faulted with. If 'A' is a disciplinary authority, it is for 'A' to conduct the enquiry, complete the proceedings and pass final orders. The function of passing of final orders alone cannot be delegated to the President of the Co-operative Society. Hence, we do not see any illegality or infirmity in the order of the Writ Court.



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3. The Writ Appeal fails and it is accordingly dismissed. No costs.

(R.SUBRAMANIAN, J.) & (L.VICTORIA GOWRI, J.)
05.06.2023

Index : Yes / No
Internet : Yes
Neutral Citation : Yes / No
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To

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and
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JUDGMENT MADE IN
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