



W.P.(MD)No.11169 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:19.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.11169 of 2020
W.M.P(MD).No.9754 of 2020

G.Chitradevi

... Petitioner

Vs.

1.The Deputy Registrar,
Office of the Deputy Registrar Co-operative Societies (Milk),
Dindigul,
Dindigul District.

2.The President,
M.S.722, K.Anaipatti Milk Producers,
Co-operative Society Limited,
K.Anaipatti,
Vedasandur Taluk,
Dindigul District.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 24.08.2020 passed by the 2nd respondent and quash the same as illegal and consequently directing the respondents to permit the petitioner to work continuously as Computer Operator under the 2nd respondent Society without interference.



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For Petitioner : Mr.T.Ravichandran
For Respondents : Mr.E.Marees Kumar
Standing Counsel

ORDER

This writ petition has been filed to call for the records relating to the impugned order dated 24.08.2020 passed by the 2nd respondent, quash the same as illegal and consequently, direct the respondents to permit the petitioner to work continuously as Computer Operator under the 2nd respondent Society without interference.

2. The case of the petitioner is that the petitioner was appointed as Computer Operator under the second respondent Society on 01.10.2016 and she has discharged her duties without any remarks. The first respondent has also fixed the time scale of pay vide proceedings Na.Ka.No.2183 E3/2019 dated 25.10.2019. The second respondent Society has registered under the first respondent herein under the Tamil Nadu Co-operative Societies Act. While so, the second respondent has issued a show cause notice to the petitioner on 21.03.2019 and she gave



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explanation. However, the same was not considered by the second respondent and the suspension order was issued by the second respondent on 21.04.2020, as against which, the petitioner has sent a detailed representation to the first respondent. Thereafter, the first respondent has set aside the suspension order passed by the second respondent and issued a direction to the second respondent to reinstate the petitioner in service on 29.07.2020. However, the President of the Society has not permitted the petitioner to join the duty. Hence, the petitioner has sent a representation on 14.08.2020. Even thereafter, the second respondent has not allowed the petitioner to work and issued the impugned order dated 24.08.2020 removing the petitioner from service. Challenging the same, the present impugned order has been passed.

3. The learned counsel appearing for the petitioner would submit that though the suspension order issued by the second respondent was set aside by the first respondent vide order dated 29.07.2020, the same has not been implemented and without any authority, the second respondent has forwarded a letter as if the petitioner has submitted a letter dated



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03.06.2020 for voluntary retirement, based on which, she was relieved from service. Hence, this Court may issue a direction to the second respondent to implement the order dated 29.07.2020 passed by the first respondent.

4. The learned Standing Counsel appearing for the respondents would submit that this Court may set aside the impugned order passed by the second respondent, since the petitioner has denied the letter dated 03.03.2020 and the second respondent will implement the order dated 29.07.2020 passed by the first respondent within a time frame fixed by this Court.

5. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

6. This Court is unable to understand on what circumstances the petitioner has submitted the letter dated 03.06.2020. However, the said letter was not produced before this Court. Admittedly, the first



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respondent, vide proceedings Na.Ka.No.762/E2/2020 dated 29.07.2020, has issued a direction to the second respondent to reinstate the petitioner into service and allow him to work. However, the second respondent did not implement the order passed by the first respondent and has mechanically passed the impugned order dated 24.08.2020 removing the petitioner from service. Hence, the impugned order passed by the second respondent dated 24.08.2020 is set aside and the second respondent is directed to implement the order dated 29.07.2020 issued by the first respondent within a period of four weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

19.01.2023

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NCC:Yes/No

Index:Yes/No

Internet:Yes/No

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M.DHANDAPANI,J.

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