



W.P(MD)No.13813 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13813 of 2019

and

W.M.P(MD).No.10330 of 2019

The Kunnathur Primary Agricultural
Co-operative Credit Society Limited,
No.Y-55, Co-operative Bank Road,
Puthukkada-629 171,
Vilavancode Taluk, Kanyakumari District,
rep., by its President

... Petitioner

Vs.

1.The Joint Registrar of Co-operative Societies,
Nagercoil, Kanyakumari District.

2.Nadukattu Raja
The Joint Registrar of Co-operative Societies,
Nagercoil, Kanyakumari District.

3.P.Sheela,
Saleswomen (Under Dismissal),
The Kunnathur Primary Agricultural
Co-operative Credit Society Limited,
No.Y-55, Co-operative Bank Road,
Puthukkada 629 171,
Vilavancode Taluk, Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorari, to call for the records relating to



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the impugned proceedings of the first respondent in Na.Ka.No.1807/2018 Sa Pa dated 06.06.2019 and quash the same as illegal.

For Petitioner : Mr.M.Jerin Mathew
For Respondents : Mr.A.Baskaran (for R1)
Additional Government Pleader
Mr.M.Saravanakumar (for R3)
No appearance (for R2)

ORDER

Heard the learned counsel on either side.

2. The third respondent was employed in the writ petitioner society. She was dismissed from service. Questioning the same, she filed a revision before the first respondent. The first respondent, by the impugned order, allowed her revision and set aside the order of dismissal. Challenging the same, the writ petition came to be filed.

3. It is seen that the revisional order was *ex-parte* in nature. It is true that the first respondent did issue one notice to the petitioner, but then the petitioner failed to appear. Though the petitioner's counsel had made certain allegations in the affidavit filed in support of the writ petition, I consciously refrain from



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going into the same. In a case of this nature, an order should be passed only on merits after hearing both the parties. The authority should even consider granting one more opportunity in such cases.

4. In this view of the matter, the order impugned in this writ petition is set aside and the writ petition is allowed. The matter is remitted back to the file of the first respondent to pass order afresh on merits and in accordance with law. The petitioner as well as the third respondent shall appear before the first respondent on **01.02.2023** at **03.00 p.m.** The first respondent shall conclude the enquiry and pass final order within a period of **four weeks thereafter**. No costs. Consequently, connected Miscellaneous Petition is closed.

12.01.2023

NCC : Yes / No

Index : Yes / No

Rmk

Note : Issue order copy on 31.01.2023

To:
The Joint Registrar of Co-operative Societies,
Nagercoil, Kanyakumari District.



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G.R.SWAMINATHAN, J.,

Rmk

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