



W.P(MD)No.15111 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15111 of 2023

and

W.M.P(MD)No.12717 of 2023

R.Sathish Kumar

... Petitioner

Vs

- 1.The Registrar of Co-operative Societies,
No.170, N.V.N.Maligai,
Kilpauk,
Chennai – 10.
- 2.The Registrar of Co-operative Societies,
Integrated Co-operative Societies Campus,
Annavasal,
Pudukottai – 622 002.
- 3.The Deputy Registrar of Co-operative Societies,
Integrated Co-operative Societies Campus,
Annavasal,
Pudukottai – 622 002.
- 4.The President,
M.M.572, Malaikkudippatti Primary Agricultural
Co-operative Credit Society Ltd,
Malaikkudippatti Post,
Lluppoor Taluk,
Pudukkottai District – 622 102.

... Respondents



W.P(MD)No.15111 of 2023

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the order of suspension passed by the fourth respondent dated 01.02.2023, quash the same.

For Petitioner : Mr.D.Siva Raman

For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner is employed as salesman in the fourth respondent Society. He challenges the impugned order of suspension. Though very many grounds have been urged in the affidavit in support of the writ petition, this writ petition is disposed of on the question of jurisdiction alone. The petitioner was appointed by the Board. Therefore, it is only the Board that could have resolved to suspend the petitioner herein. But the petitioner came to be suspended by the impugned order issued by the Society.

3. The learned Additional Government Pleader submits that the resolution was passed and pursuant to the said resolution, the President issued



W.P(MD)No.15111 of 2023

suspension order. But in the suspension order, there is no reference to the resolution of the Board proposing suspension of the petitioner. It is for this reason, I set aside the impugned order. The Board is, of course, having the liberty to pass a fresh resolution for suspending the petitioner.

4. With this liberty to the Board, this writ petition is allowed. Since this writ petition is disposed of only on the ground of jurisdiction, all the contentions including *mala fides* available to the petitioner are left open. Since the suspension order has been set aside, the Management is directed to pay full wages to the petitioner for the entire period of suspension. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

30.06.2023

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

Note: Issue order copy on 05.07.2023.

To

1.The Registrar of Co-operative Societies,
No.170, N.V.N.Maligai,
Kilpauk,
Chennai – 10.



W.P(MD)No.15111 of 2023

2. The Registrar of Co-operative Societies,
Integrated Co-operative Societies Campus,
Annavaasal,
Pudukottai – 622 002.
3. The Deputy Registrar of Co-operative Societies,
Integrated Co-operative Societies Campus,
Annavaasal,
Pudukottai – 622 002.
4. The President,
M.M.572, Malaikkudippatti Primary Agricultural
Co-operative Credit Society Ltd,
Malaikkudippatti Post,
Lluppoor Taluk,
Pudukkottai District – 622 102.



WEB COPY



W.P(MD)No.15111 of 2023

G.R.SWAMINATHAN, J.

MGA

W.P(MD)No.15111 of 2023

and

W.M.P(MD)No.12717 of 2023

30.06.2023