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W.A.No.399 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.02.2024

CORAM

THE HON'BLE Mr. JUSTICE R. MAHADEVAN
AND
THE HON'BLE Mr. JUSTICE MOHAMMED SHAFFIQ

W.A.No.399 of 2024
AND
C.M.P.No.2677 of 2024

S.Renganathan

.. Appellant

Vs.

1.The Joint Registrar of Co-operative Societies/
Revisional Authority
Cuddalore Region, Cuddalore District

2.The President
E2588 Nandhimangalam Primary Agricultural
Co-operative Credit Society
Poolamedu Village & Post 608 302
Chidambaram Taluk
Cuddalore Taluk

.. Respondents

Writ appeal filed under Clause 15 of the Letters Patent, against the order
dated 18.10.2023 passed in W.P.No.6889 of 2020.

For Appellant : Mr.C.Prakasam
For Respondents : Mr.S.Ravikumar
Special Government Pleader



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JUDGMENT

WEB COPY (Judgment of the court was delivered by R. MAHADEVAN, J.)

This Writ Appeal arises from the order dated 18.10.2023 passed by the learned Judge in W.P.No.6889 of 2020.

2. Brief facts of the case are as follows :

2.1. While the appellant was working as Secretary in the 2nd respondent society, he was suspended from service on 06.10.2017 for the alleged irregularities committed by him in disbursement of crop loans to the members of the 2nd respondent society. Subsequently, he was served with a charge memo dated 16.04.2018 in which, six charges were framed against him. The appellant duly submitted his explanation. The second respondent appointed an enquiry officer, who conducted enquiry and submitted his report. Based on the same, the appellant was imposed with the punishment of termination from service on 14.09.2018. Questioning his termination, the appellant filed W.P.No.1120 of 2019, in which, the learned Judge directed the appellant to exhaust his alternative remedy of filing revision under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983.



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2.2. Accordingly, the appellant filed a revision before the 1st respondent, which came to be rejected on 30.09.2019. Aggrieved by the same, the appellant filed W.P.No.6889 of 2020 for quashing the aforesaid orders passed by the respondent authorities and consequently, directing the respondents to reinstate the appellant in service along with all monetary and service benefits to him.

2.3. The learned Judge, by order dated 18.10.2023, directed the 1st respondent to re-consider the request of the writ petitioner and pass fresh order as to the confirmation of order of punishment within a period of eight weeks, challenging which, the writ petitioner has preferred this writ appeal.

3. According to the learned counsel for the appellant, the second respondent society has not sustained any loss and no complaint was made by any members and that, all the charges framed against the appellant are very filmy. Without taking note of all these aspects, the second respondent passed the termination order on 14.09.2018 against the appellant. While passing such termination order, no opportunity was provided and no document was furnished to the appellant. It is further submitted that without considering the relevant documents which would candidly prove that he did not commit any irregularities as alleged in the charge memo, and the explanation and statements



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made by the appellant, the first respondent simply confirmed the termination order passed by the second respondent and thereby rejected the revision filed by the appellant, by order dated 30.09.2019, which is arbitrary and illegal. It is also submitted by the learned counsel that the learned Judge, while disposing of the writ petition, directed the first respondent to reconsider the request of the appellant and pass fresh order as to the confirmation of order of punishment within a period of eight weeks. However, the first respondent has not acted upon the same. Therefore, the learned counsel submitted that it would suffice, if a direction is issued to the first respondent to reconsider the claim of the appellant and pass orders afresh, as directed by the learned Judge, within a time frame to be stipulated by this court.

4.The learned Special Government Pleader appearing for the respondents has no serious objection for granting such relief to the appellant.

5.In view of the limited relief now sought by the learned counsel for the appellant, which has not been seriously opposed on the side of the respondent authorities, this court, without interfering with the order of the learned Judge, directs the first respondent to reconsider the claim of the appellant with regard to the order of punishment passed against him, and pass orders afresh, as



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directed by the learned Judge. It is open to the appellant to place the materials, which were not available at the time of passing of the orders impugned in the writ petition, to the authorities concerned. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this judgment.

6. Accordingly, the writ appeal stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D, J.] [M.S.Q, J.]
07.02.2024

Neutral Citation : Yes/No
gya

To

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