



W.P.No.803 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2024

CORAM:

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.803 of 2020
and W.M.P.Nos.962 & 964 of 2020

K.Raja

...

Petitioner

/vs/

1. The Deputy Registrar of Co-operative Societies,
Dharmapuri District, Dharmapuri.

2. S.975, A.Murukkampatti Primary
Agricultural Co-op Credit Society,
Represented by its President,
A.Murukkampatti Post,
Kambainallur Via, Palacode Taluk,
Dharmapuri District – 635 202.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the records of the second respondent pertaining to his proceedings in No.Nil dated 02.12.2019 and quash the same and consequently direct the respondents herein to forthwith pay the salary arrears of salary to the petitioner in the basic pay scale of salesman for the period from 01.08.2008 to 31.10.2019.

For Petitioners ... Mrs.R.Hemalatha



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for Mr.C.Prakasam

For Respondents ... Mr.P.Sathish
Additional Govt. Pleader for R1

Mr.S.Arumugam
Government Advocate for R2

ORDER

This writ petition has been filed challenging the proceedings of the second respondent in No.Nil dated 02.12.2019 and to direct the respondents to pay the salary arrears to the petitioner for the period from 01.08.2008 to 31.10.2019.

2. The petitioner was working as a Salesman for the past 23 years with the second respondent; by virtue of the resolution of the second respondent dated 01.11.2019 to allow disbursement of salary arrears to the petitioner, an another resolution to the effect of giving promotion to the petitioners, has been cancelled; aggrieved over that the petitioner has filed this writ petition.

3. Mrs.R.Hemalatha, the learned counsel for the petitioner, submitted



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that no previous notice was given to the petitioner before passing such order affecting his interest.

4. However, Mr.P.Sathish, the learned Additional Government Pleader, submitted that if the petitioner is really aggrieved he can file an appeal under Section 153 of Tamil Nadu Cooperative Societies Act and he cannot file a writ petition without exhausting the efficacious alternate remedy available to him.

5. Even though it is the contention of the respondents that the petitioner's very appointment is questionable and the resolutions passed to sanction the arrears of salary are *per se* illegal and hence they have been cancelled, the petitioner could have been given with an opportunity to make his submission getting an order which would affect the interest of the petitioner.

6. Since the petitioner has not been given with any show cause notice



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before passing the impugned order and no liberty was given to him, I feel it is appropriate to quash the impugned order and give liberty to the petitioner to make a representation before the authorities concerned under Section 153 of the Cooperative Societies Act.

7. In view of the above stated reasons, this writ petition is partly allowed and the impugned proceedings passed by the second respondent in No. Nil dated 02.12.2019 is quashed and the petitioner is at liberty to give a representation to the Joint Registrar and on receipt of the same the Joint Registrar of Cooperative Societies shall conduct enquiry and pass appropriate orders, within a period of four weeks without being influenced by the impugned order and by appreciating the matter fresh. No costs. Connected miscellaneous petitions are closed.

19.02.2024

Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No
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To:

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Dharmapuri District, Dharmapuri.
2. The President,
S.975, A.Murukkampatti Primary
Agricultural Co-op Credit Society,
A.Murukkampatti Post,
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R.N.MANJULA ,J.

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