



W.A.No.1559 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.A.No.1559 of 2021

M.Balakrishnan

... Appellant

Vs.

1. The Joint Registrar Of Cooperative Societies,
Salem Zone, Salem 7.

2. The Deputy Registrar Of Cooperative Societies,
Salem Zone, Salem.

3. Special Officer,
S-402, Yercaud Hill Tribe Large Sized
Multipurpose Cooperative Society,
Yercaud, Salem Dist.

... Respondents

Prayer :- Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 09.12.2020 made in WP no.9065 of 2010 and allow the present Writ Appeal.



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For Appellant : Ms.E.Sirpa for
Mr.S.Thandral for
M/s.C.S.Associates

For Respondent : Mr.G.Krishna Raja,
Additional Government Pleader
(for R1 &R2);

: Mr.P.K.Shiva Kumar (for R3).

J U D G E M E N T

(Judgement of the Court was delivered by S.M.Subramaniam J.)

The writ Appeal has been instituted challenging the order dated 09.12.2020 passed in W.P.No.9065 of 2010.

2. The petitioner was appointed as Clerk in the 3rd respondent Multipurpose Cooperative Society, registered under the Tamil Nadu Cooperative Societies Act. He was promoted to the post of Accountant and thereafter to the post of Manager. Finally, he was promoted to the post of Secretary on 01.06.2000.



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3. A Charge memo was served on the appellant on 28.03.2002 in connection with the loan transactions of the Society. Appellant denied the charges. An Inquiry Officer was appointed, who in turn submitted his report after conducting an inquiry by affording opportunity to the appellant. Accepting the Inquiry Officer's report, the 3rd respondent Society passed an order of termination on 07.12.2002. Challenging the termination order, the revision under Section 153 of the Tamil Nadu Cooperative Societies Act was filed. The revisional authority rejected the appeal. Thus, the writ petition came to be instituted.

4. The appellant mainly raised two grounds, that: firstly, the inquiry has not been conducted properly by affording opportunity to the appellant, secondly, the post of Secretary falls under the common cadre service under Section 75 of the Tamil Nadu Cooperative Societies Act and in this regard, the Government also issued G.O.Ms. No. 55. Thus the termination order passed by the Management of the Society is null and void.

5. With reference to the first ground, the learned Single Judge elaborately considered the facts and made a finding that a charge memo was



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issued, explanation was submitted by the appellant, a domestic inquiry was conducted and the petitioner participated in the inquiry proceedings. A copy of the report was served to the appellant and an opportunity was provided to submit his further objections. Therefore, final order of termination was issued. Thus, the procedures as contemplated and the rules of natural justice have been complied with. We do not find any error to interfere with the findings made by the learned Single Judge or the procedures followed by the Disciplinary Authority in the proceedings.

6. Secondly, G.O.Ms.No.55 dated 24.03.2000, issued by the Government in exercise of the powers conferred under Section 75(1)(iv) of the Tamil Nadu Cooperative Societies Act, 1983, applies only to the primary cooperative societies registered under the Tamil Nadu Cooperative Societies Act. The 3rd respondent Society is a multi-purpose cooperative society and therefore, the common cadre service rules are inapplicable to the Secretary working in multi-purpose cooperative societies. This ground also has been elaborately considered by the learned Single Judge with reference to the scope of Section 75 of the Tamil Nadu Cooperative Societies Act, 1983.



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7. For all these reasons stated above, we do not find any reason to interfere with the writ order impugned and consequently, the writ order stands confirmed and writ appeal stands dismissed. No costs.

(S.M.S.J.,)

(C.K.J.,)

26.06.2024

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)

To

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S.M.SUBRAMANIAM, J.

and

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