



W.P.No.25191 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2024

CORAM:

THE HONOURABLE MRS. JUSTICE R.KALAIMATHI

W.P.No.25191 of 2012

M.Selvaraj

... Petitioner

**Vs.**

1. The Joint Registrar of Co-Operative Societies,  
Nagapattinam Region,  
Nagapattinam.

2. The Special Officer,  
Z 262, Maruthur North Primary Agricultural  
Co-Operative Credit Society Ltd.,  
Maruthur North,  
Rajapuram Post – 614 806,  
Vedaranyam Taluk,  
Nagapattinam District.

... Respondent

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to order of dismissal passed by the second respondent in his proceedings Nil dated 24.08.2012 and quash the same and further direct the respondents to settle all retirement and other attendant benefits.

For Petitioner : Mr.S.Kamadevan

For Respondent : Mr.P.Ganesan [R1]  
Mr.V.R.Thangavel [R2]

**ORDER**



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The proceedings of the 2<sup>nd</sup> respondent dated 24.08.2012 is under challenge. Further direction is sought for to settle his retirement and other attendant benefits.

2. The contention of the learned counsel for the petitioner is that the petitioner who was appointed as Head Clerk in the 2<sup>nd</sup> respondent's Society on 01.09.1974 and he was promoted as Secretary on 01.04.1986. He was due to retire from service on 31.08.2012 on attaining superannuation. While so, he was placed under suspension by the proceedings of the 2<sup>nd</sup> respondent dated 03.05.2011 initially for a period of 90 days and it was extended periodically. A Charge Memo dated 16.05.2012 enclosing report dated 26.02.2012 under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, was issued to the petitioner.

3. In the meanwhile, the respondents lodged a complaint before the CCIW Police, Nagapattinam, based on Section 81 enquiry report, criminal case was registered against the petitioner and two others under Sections 406 and 420 I.P.C.

4. After enquiry, the impugned order dated 24.08.2012 came to be



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passed terminating the petitioner from the services.

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5. Heard Mr.S.Kamadevan, learned counsel appearing for the petitioner and Mr.V.R.Thangavelu, learned Standing Counsel for the 2<sup>nd</sup> respondent.

6. The date of the impugned order is 24.08.2012. This writ petition was filed on 10.09.2012 and taken on file on 13.09.2012. As per Section 153 of the Tamil Nadu Co-Operative Societies Act, 1983, the revision shall be preferred within 90 days from the date on which the proceedings, decision or order was communicated to the applicant. But, the petitioner has not exhausted effective remedy provided under the Act.

7. With these observations, this writ petition stands disposed of with a direction that the petitioner may prefer revision within a period of two weeks from the date of receipt of a copy of this order and on such receipt of revision petition, the 1<sup>st</sup> respondent shall dispose of the same within a period of twelve (12) weeks from the date of receipt of the said petition in accordance with law. There shall be no order as to costs.



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**Note:**Registry is directed to return the original impugned order to the petitioner counsel on receipt of xerox copy of the impugned order

Index : Yes / No  
Neutral Citation Case : Yes / No  
Speaking Order / Non-Speaking Order  
ssn

To

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Nagapattinam Region,  
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R.KALAIMATHI, J.,

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