



W.P.No.2239 of 2016

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2024

CORAM:

THE HONOURABLE MRS.JUSTICE N. MALA

W.P.No.2239 of 2016
and M.P.Nos.1927 & 1928 of 2016

S. Pappathi

... Petitioner

Vs.

1. The Director of Fisheries
O/o.Director of Fisheries
Teynampet, Chennai 600 006.
2. The Assistant Director of Fisheries
Mettur, Salem District.
3. The President
K.K.98, Mettur Dam Fisherman
Cooperative Marketing Society Limited
Mettur Dam, Mettur,
Salem District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, to issue Writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 13.11.2015 of the 3rd respondent in his Proceedings Na.Ka.No.4/2014 and quash the same as illegal and consequently direct the respondents herein to reinstate the petitioner in service as Mazdoor of K.K.98 Mettur Dam Fisherman Cooperative Marketing Society Limited, Mettur Dam,



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Mettur, Salem District with all consequential service and monetary benefits.

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For Petitioner : Mr.R.Thamaraiselvan

For Respondents : Mr. R.Kumaravel
Addl. Govt. Pleader for R1 & R2
M/s.R.Reshma
for Mr.R.Balaramesh for R3

ORDER

This writ petition is filed for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 13.11.2015 of the 3rd respondent in his Proceedings Na.Ka.No.4/2014 and quash the same as illegal and consequently direct the respondents herein to reinstate the petitioner in service as Mazdoor of K.K.98 Mettur Dam Fisherman Cooperative Marketing Society Limited, Mettur Dam, Mettur, Salem District with all consequential service and monetary benefits.

2. The case of petitioner is that originally she was appointed as Mazdoor on 08.04.2002 in the 3rd respondent Society on daily wage basis for loading and unloading of fishes in the fish weighing section. While so, the 3rd respondent issued a notice dated 31.03.2014 calling upon the petitioner to explain about the alleged news item appeared in the “Dinakaran” Tamil daily dated



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31.03.2014. On 01.04.2014, petitioner gave a detailed explanation to the show cause notice denying the allegations. The 3rd respondent by his order dated 02.04.2014 placed the petitioner under suspension.

3. As against the order of suspension the petitioner filed revision under Section 153 of Tamil Nadu Cooperative Societies Act, 1983 before the 2nd respondent on 20.09.2014. However, by order dated 11.09.2015 the 2nd respondent dismissed her revision petition and thereby confirmed the order of suspension passed by the 3rd respondent. Immediately after the receipt of the above order dated 11.09.2015 passed by the 2nd respondent, the 3rd respondent passed the impugned order dated 13.11.2015 terminating the petitioner from service as per resolution dated 05.11.2015.

4. Aggrieved against the same, the petitioner preferred an appeal as contemplated under Special Bye Law No.32 and the Bye Law No.22(2) (1) of the employees of the Society on 02.12.2015 to the 2nd respondent herein and a copy of the same was sent to the 1st respondent. As no orders were passed in the appeal, the petitioner filed the above writ petition for the aforesaid relief.

5. When the matter was taken up for hearing on 09.09.2024, the learned



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Additional Government Pleader appearing for the respondents 1 & 2 was directed to get instructions on the status of the appeal filed by the petitioner before the 2nd respondent on 02.12.2015. Today, when the matter is taken up for hearing, the learned Additional Government Pleader submitted that the appeal filed by the petitioner before the 2nd respondent on 02.12.2015 is still pending.

6. The learned counsel for the petitioner submitted that a direction may be issued to the 2nd respondent to dispose of the appeal dated 02.12.2015 filed by the petitioner within a time frame to be fixed by the Court.

7. Heard the learned counsel on either side and perused the materials available on record.

8. Taking into consideration the limited submission of the petitioner's counsel, this Court without going into the merits of the case, directs the second respondent to consider the petitioner's appeal dated 02.12.2015 and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.



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9. This Writ Petition is disposed of with the above direction. No costs.

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Consequently, connected miscellaneous petitions are also closed.

11.09.2024

dpq

Index : Yes /No

Speaking Order : Yes/No

N. MALA, J.

dpq

To

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Mettur, Salem District.
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