



WEB COPY



WP.No.38229 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2024

CORAM

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

WP.No.38229 of 2015

and

MP.No.1 of 2015

P.Sundaramoorthy

... Petitioner

Vs.

1. The Additional Registrar,
(Sales, Plan and Development),
O/o. The Registrar of Co-Operative Societies,
No.170, E.V.R.Periyar Salai,
Kilpauk, Chennai-600 010.
2. The Joint Registrar,
Tamil Nadu Co-Operative Societies,
Tiruvallur District.
3. The Deputy Registrar,
Tamil Nadu Co-Operative Societies,
Ponneri Division, Tiruvallur District.
4. The President,
J.J.64, Ponneri Urban Credit Co-Op. Society,
No.5, Appadurai Mudali Street,
Ponneri, Tiruvallur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records relating to the order passed by the 2nd respondent in



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Na.Ka.No.411/2015/A3 dated 15.05.2015 confirming the order of dismissal passed by the 4th respondent in Na.Ka.No.5/2014 dated 22.12.2014 and Quash the same and further direct the respondents to reinstate the petitioner in service with al backwages and monetary benefits.

For Petitioner : Mr.S.Parthasarathy

For Respondents : Mr.M.Murali
Government Advocate for R1 to R3
Mr.L.P.Shanmugasundaram for R4

ORDER

This Writ Petition has been filed to quash the proceedings in Na.Ka.No.411/2015/A3 dated 15.05.2015 passed by the 2nd respondent confirming the order of dismissal passed by the 4th respondent in Na.Ka.No.5/2014 dated 22.12.2014.

2. Heard the learned counsel for the petitioner, the learned Government Advocate appearing for the respondents 1 to 3 and the learned counsel appearing on behalf of the 4th respondent.

3. It appears that the petitioner was issued with a charge memorandum dated 03.12.1999. Subsequently, by following the due



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procedure, the petitioner was found guilty, and an order of dismissal was passed on 02.11.2000 imposing a punishment of withholding the increment for 3 years without cumulative effect. Thereafter, on the very same charge, the criminal proceedings was also initiated against the petitioner in C.C.Nos.73 & 74 of 2004 before the learned Judicial Magistrate, Ponneri. This criminal proceedings subsequently ended in favour of the petitioner, by virtue of an order of acquittal dated 31.01.2014. Thereafter, the State preferred an appeal before the learned I Additional Sessions Judge, Tiruvallur in CrI.A.Nos.98 and 99 of 2013. Both the appeals were allowed on 17.12.2013 by convicting the petitioner.

4. It appears that in pursuance of the order of conviction, though initially the petitioner was awarded with punishment of withholding of the increment, subsequently, by virtue of Sections 162(3) (2) and 77 of Tamil Nadu Co-Operative Societies Act, punishment was enhanced and an order of dismissal was passed against the petitioner on 22.12.2014. In the meanwhile, against the order of conviction, the petitioner preferred Criminal Revision Case Nos.11 and 12 of 2015 before this Court, in which, the order of conviction passed in CrI.A.Nos.98 and 99 of 2013 was



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set aside, and ultimately, the petitioner was acquitted from all the charges.

Hence, as against the present petitioner, who was arrayed as the 3rd accused, there are no conviction and he has been acquitted from all the charges. Therefore, in view of the subsequent development, the petitioner contended that the order of dismissal is liable to be reviewed as such the order passed only because of the conviction and sentence imposed by the Appellate Court.

5. Now that, it is an admitted fact that there are no criminal proceedings or order of conviction pending against this petitioner as far as this issue is concerned. Therefore, in view of the subsequent development, this Court is of the firm view that the order of dismissal dated 22.12.2014 is liable to be set aside. Therefore, it become necessary to remit back the matter to the Original Authority to consider the merits of the matter afresh in accordance with law and on the basis of the subsequent development, more particularly, the order passed in CrI.R.C.Nos.11 and 12 of 2015.

6. Accordingly, this Writ Petition is disposed of by setting aside the order of dismissal dated 22.12.2024 and ordered to remit back the matter to



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the original Authority, to consider the case of the petitioner afresh in accordance with law and on it's own merits, within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs. Consequently, connected MP is also closed.

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Index : Yes /No

Speaking order : Yes/No

Neutral Citation : Yes/No



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C.KUMARAPPAN, J.

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To

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