



WEB COPY



W.P.No.12181 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2024

CORAM:

THE HONOURABLE MR. JUSTICE VIVEK KUMAR SINGH

W.P.No.12181 of 2021 and
W.M.P.Nos.12964 to 12966 of 2021

M.Raman

...Petitioner

-Vs-

- 1.The Registrar,
Co-operative Societies,
Chetpet, Chennai 600 031.
- 2.The Joint Registrar,
Co-operative Department,
Dharmapuri.
- 3.The Secretary,
K.K.281, Primary Agricultural
Co-operative Credit Society,
Kolasanahalli, Dharmapuri District.
- 4.The Special Officer,
K.K.281, Primary Agricultural
Co-operative Credit Society,
Kolasanahalli, Dharmapuri District.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the 4th respondent made in his proceeding dated 18.02.2012 and quash the same and consequently direct the respondents to reinstate the petitioner in service with all back wages, continuity of service as on



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23.02.2011.

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For Petitioner : Mr.D.Rameshkumar

For Respondents : Mr.R..Dinesh Rajkumar,
AGP for R1 & R2
Mr.M.Murali, GA for R3 & R4

ORDER

This Writ Petition has been filed challenging the order passed by the fourth respondent dated 18.02.2012 and to direct the respondents to reinstate the petitioner in service with all back wages, continuity of service as on 23.02.2011.

2. Heard the learned counsel appearing on either side and also perused the materials available on record.

3. The case of the petitioner is that the petitioner has joined the service as salesman in the year 2000. On 23.02.2011, the 4th respondent conducted an inspection and found shortage in certain products to the value of Rs.19,754.80/-, but the same was not failed to take into account by the 4th respondent till the time of inspection. Due to which, the petitioner was initially suspended for 3 months and no



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subsistence allowance was paid to him. Thereafter, the suspension was periodically extended and the petitioner gave a letter by accepting shortage in stock. But the respondents 3 and 4 removed the petitioner from service and issued a charge memo dated 20.07.2011 with two charges. Based on the complaint of the respondents, the Civil Supplies CID, Krishnagiri registered a First Information Report in Crime No.533 of 2011 with inordinate delay of 6 months. After completion of investigation, the final report has been filed and the same was taken cognizance by the learned Judicial Magistrate No.I, Dharmapuri in C.C.No.147 of 2012 and the petitioner was acquitted on 07.02.2018. Thereafter, the petitioner requested for reinstatement of service and also made a representation to that effect on 13.12.2018. Since the representation is not yet considered, the petitioner has filed the present petition.

4. The learned counsel for the petitioner would submit that the petitioner was issued with charge memo of short fall in stocks and the respondents 3 and 4 had forced the petitioner to remit the amount of Rs.19,754.80/- and further orally compelled to execute a letter admitting the guilt. The petitioner had given a letter by accepting the shortage in



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stock and the shortage amount was also remitted. But however the respondents 3 and 4 without considering the same, gave a complaint before the Civil Supplies CID, Krishnagiri after 6 months. On completion of investigation, final report has been filed which was taken on file by the learned Judicial Magistrate No.I, Dharmapuri in C.C.No.147 of 2012, in which, the petitioner had also acquitted. Thereafter, the petitioner made a representation before the respondents 3 and 4 for reinstatement in service, but the same is not considered till date.

5. The learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that the petitioner had statutory remedy to file a revision petition under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983, but the petitioner failed to avail that remedy and directly approached this Court by way of this writ petition, after a delay of 9 years which is inordinate and the reason for the delay has not been properly explained. In support of his contention, he also relied on a judgment of the Larger Bench of this Court in the case of *K.Marappan Vs. The Deputy Registrar of Co-operative Societies, Namakkal Circle*, reported in 2006 (4) CTC 689.



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6. In the light of the Larger Bench judgment in *K.Marappan Vs.*

Dy. Registrar of Co-operative Societies, Namakkal (2006 (4) CTC 689),

the writ petition is not maintainable and the same is dismissed.

Consequently, connected Miscellaneous Petitions are also closed. No costs.

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Internet: Yes

Index : Yes/No

Speaking/Non Speaking order
vkr

To

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- 2.The Joint Registrar,
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- 3.The Secretary,
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VIVEK KUMAR SINGH. J.

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4.The Special Officer,
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