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W.P.No.11598 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.11598 of 2020

and

W.M.P.Nos.14222 & 14224 of 2020

G.Kuppusamy

...Petitioner

-Vs-

1.The Joint Registrar of Cooperative Societies,
Villupuram Region, Villupuram.

2.The Administrator,
Melpakkam Primary Agricultural
Cooperative Credit Society,
Melpakkam, Tindivanam Taluk,
Villupuram District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.No.8397/2019/Sa.Pa dated 15.05.2020 and quash the same and consequently directing the respondents to reinstate the petitioner into service along with backwages, attendant benefits and other monetary benefits to the petitioner and pass such further orders.



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For Petitioner : Mr.P.Rajendran
For R1 : Mr.S.Ravikumar
Special Government Pleader
For R2 : Mr.M.Thirumoorthy
for Mr.L.P.Shanmugasundaran

ORDER

This writ petition has been filed to quash the impugned order passed by the first respondent in his proceedings Na.Ka.No.8397/2019/Sa.Pa dated 15.05.2020 and a consequential direction to the respondents to reinstate the petitioner into service along with backwages, attendant benefits and other monetary benefits to the petitioner.

2. The petitioner was appointed as clerk in the 2nd respondent society on 15.10.1992. Then he was promoted as Accountant on 01.07.1995. Subsequently in the year 2002, he was promoted as Assistant Secretary and finally he was promoted as Secretary in the 2nd respondent society on 15.10.2015. The Registrar of Cooperative Societies brought all the primary agricultural cooperative credit societies Secretaries under the Cadre Employee and all powers of Presidents/Administrator to take disciplinary proceedings were vested with the common cadre Chairman of the concerned



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District. Hence the common cadre Chairman alone has the power to take disciplinary proceedings against the Secretaries.

3. Learned counsel appearing for the petitioner would submit that the 2nd respondent passed the Suspension Order against the petitioner on 25.02.2019. When the petitioner was suspended from service, the 2nd respondent did not disburse the subsistence allowance to the petitioner. Hence the petitioner made written representation. For that written representation, the 2nd respondent informed the petitioner on 19.09.2019 that the petitioner is not entitled to get subsistence allowance. Thereafter, the 2nd respondent himself sent communication to the petitioner on 15.11.2019, asking the petitioner to collect the subsistence allowance. When the petitioner approached the 2nd respondent, the 2nd respondent refused to meet his demand and informed him that he is not entitled to get subsistence allowance.

4. Against the suspension order, the petitioner approached the 1st respondent and filed a revision petition under Section 153 of Tamil Nadu Cooperative Societies Act praying to set aside the suspension order and



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disburse the subsistence allowance, but the same was rejected by the 1st respondent by order dated 15.05.2020. Aggrieved by which, the present writ petition is filed.

5. Learned counsel would further submit that there is no interim order granted by this Court at the time of admission and the respondents proceeded with the matter and conducted the inquiry. The inquiry has also been completed by the Inquiry Officer but no orders have been passed till date. It is further submitted by the learned counsel that some time frame may be stipulated for the respondents to pass orders based on the inquiry report.

6. A counter affidavit was filed on behalf of the respondents dated 30.11.2020.

7. Learned counsel appearing for the 2nd respondent would submit that based on the inquiry report, the 2nd respondent will pass appropriate orders on merits and in accordance with law.

8. Heard both sides and perused the materials available on record.



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9. In view of the above submission made by the learned counsels on either side, since the inquiry has already been completed by the Inquiry Officer, the 2nd respondent is directed to pass appropriate orders on merits and in accordance with law based on the inquiry report within a period of three months from the date of receipt of a copy of the order.

In the result, **the writ petition stands disposed of with the above observations and direction.** No costs. Consequently, connected miscellaneous petitions are closed.

11.12.2024

cda

Index : Yes / No

Speaking/Non Speaking order

To

1.The Joint Registrar of Cooperative Societies,
Villupuram Region, Villupuram.

2.The Administrator,
Melpakkam Primary Agricultural
Cooperative Credit Society,
Melpakkam, Tindivanam Taluk,



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Villupuram District.

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J.SATHYA NARAYANA PRASAD, J.

cda

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