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W.P.No.17008 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2024

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THE HON'BLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.No.17008 of 2024
and WMP.No.18743 of 2024

K. Subramanian

... Petitioner

Vs.

1. The Deputy Registrar
Co-operative Societies (Credit)
Chennai 600 108.

2. The President
The Tamil Nadu Government
Agriculture Employees Cooperative
Thrift and Credit Societies No.XC-166,
Chepauk, Chennai 600 005.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorari calling for the records pertaining to the proceeding Na.Ka.No.318/2021/Pa Sa1 dated 27.10.2021 issued by the 1st respondent and quash the same and new pay fixation of the petitioner's salary by this Court.



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For Petitioner : Mr.S.Senthilnathan

For Respondents : Mr.Murugan Raja
Government Advocate for R1
Ms.Amirthapoonkodi Dinakaran
Government Advocate for R2

ORDER

This writ petition is filed for issuance of a Certiorari calling for the records pertaining to the proceeding Na.Ka.No.318/2021/Pa Sa1 dated 27.10.2021 issued by the 1st respondent and quash the same and new pay fixation of the petitioner's salary.

2. The learned counsel for the petitioner submitted that the petitioner has challenged the impugned order dated 27.10.2021 passed by the first respondent, whereby his salary was downwardly revised and recovery was ordered. Even though the respondents have conducted some enquiry behind the back of the petitioner, it can be seen that without providing any opportunity to the petitioner, straight away impugned order has been passed.

3. Even though, the matter is posted today only for admission, the learned Government Advocate who takes notice for the 1st respondent submits that he is also not in a position to assert whether any show cause



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notice has been issued to the petitioner. It can be verified from the references in the impugned order itself that the respondents have not provided any opportunity to the petitioner by way of show cause notice before passing the impugned order. As the impugned order visits the petitioner with civil consequences, the same can be passed only after affording an opportunity to the petitioner and after considering the objection that may be raised by the petitioner objectively. In view thereof, this writ petition is disposed of on the following terms:-

(i) The impugned proceedings Na.Ka.No.318/2021/Pa Sa1 dated 27.10.2021 passed by the first respondent shall stand quashed;

(ii) However, the respondents are at liberty to carry out the said exercise afresh by issuing a show cause notice to the petitioner and also by affording an opportunity of personal hearing and pass a fresh order thereafter. The petitioner will be at liberty to raise his objections as to fixation as well as recovery of the amount and the respondents shall consider the same on its own merits and in accordance with law;

(iii) If the respondents choose to initiate the proceedings afresh then the same shall be initiated expeditiously in any event within four weeks from the date of receipt of a copy of this order and shall complete within a period of six weeks thereafter. No costs. Consequently, connected miscellaneous



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petitions are also closed.

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Neutral Citation: Yes/No
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To

1. The Deputy Registrar
Co-operative Societies (Credit)
Chennai 600 108.
2. The President
The Tamil Nadu Government
Agriculture Employees Cooperative
Thrift and Credit Societies No.XC-166,
Chepauk, Chennai 600 005.

D.BHARATHA CHAKRAVARTHY, J.

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