



WEB COPY

W.P.No.21152 of 2014,



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.21152 of 2014
and
M.P.Nos.1 and 2 of 2014

R.Tamizhkumaran

... Petitioner

Vs.

1.The Registrar of Co-operative
Societies, Puducherry.

2.The Administrator,
Kothapurinatham Primary Agricultural
Co-op. Credit Society,
Kothapurinatham,
Puducherry-102.

3.K.Sadasivam. Secretary
Kothapurinatham Primary Agricultural
Co-op. Credit Society,
Kothapurinatham,
Puducherry-102.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order dated



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03.12.2013 passed by the 1st respondent in his proceedings R.P.No.5 of 2013 and quash the same and consequently direct the respondents 1 and 2 to terminate the service of the 3rd respondent from the post of Secretary in the 2nd respondent society as per order passed by the Elected Board of Directors dated 07.10.2011.

For Petitioner : M/s.C.Prakasam

For Respondents :
(for R1) : M/s.Ramaswamy Meyyappan, GA CP

(for R2 & R3) : Mr.R.Sreedhar

ORDER

Taking exception to the order passed by the 1st respondent, in R.P.No.5 of 2013 in and by which the 1st respondent had reinstated the 3rd respondent into the 2nd respondent society, the petitioner is before this Court.

2. The petitioner's contention is that the 3rd respondent is working as a Secretary in the 2nd respondent society where the petitioner is working as a Junior Assistant. The 3rd respondent was suspended by an order dated 07.02.2011 for committing irregularities including misappropriation of funds of the 2nd respondent Society.



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3. Thereafter, a charge memo had been issued to the 3rd respondent on 09.06.2011 and an enquiry was conducted and ultimately the elected Board of Directors had passed an order of termination against the 3rd respondent on 07.10.2011. Against the said termination order the 3rd respondent had filed a revision before the Board of Directors under Section 141 of the Puducherry Cooperative Societies Act. While the revision was pending the terms of the Board of Directors had come to an end and an Administrator was appointed for administering the 2nd respondent Society. However, the 1st respondent without considering the misappropriation of funds had set aside the termination order against the 3rd respondent giving liberty to the 2nd respondent for initiating fresh disciplinary action against the 3rd respondent. It is challenging this order that the petitioner is before this Court.

4. There is no explanation as to how the petitioner can be termed an aggrieved party. It is the 2nd respondent Society alone which is the aggrieved party. The proceedings had not been initiated



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against the 3rd respondent at the behest of the petitioner herein. In case the proceedings had been initiated at his behest he could be termed an aggrieved party. The petitioner has also not been able to state as to how the impugned order passed by the 1st respondent is erroneous.

5. In these circumstances, I see no reason to entertain this Writ Petition and accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

26.06.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

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<https://www.mhc.tn.gov.in/judis>



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P.T. ASHA. J.,

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