



WEB COPY



W.P.No.20427 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE VIVEK KUMAR SINGH

W.P.No.20427 of 2021
W.M.P.No.21694 of 2021

The Management,
S.439, Salem Agricultural Producers,
Co-operative Marketing Society,
Represented by its Managing Director,
Pallapatti,
Salem – 636 006

...Petitioner

-Vs-

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

2. R.Kumar

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records of the first respondent dated 30.06.2021 passed in his proceedings in Na.Ka.No.5214 of 2019 Sa.Pa dated 30.06.2021.

For Petitioner	: Mr.L.P.Shanmugasundaram
For R1	: Mr.M.Muthusamy
	Government Advocate
For R2	: Mr.T.Sundaravadanam



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ORDER

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This Writ Petition has been filed by the petitioner for issuance of Writ of Certiorari, calling for the records of the first respondent in his proceedings in Na.Ka.No.5214 of 2019 Sa.Pa dated 30.06.2021.

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

3. It is the case of the petitioner Management that when the second respondent was working as Salesman in the Salem Agricultural Producers Co-operative Marketing Society, several allegations were charged and proven against the second respondent. As such, the petitioner Management has dismissed him from service by an order dated 21.05.2018. Aggrieved by the said dismissal order, the second respondent has preferred a Revision Petition under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983 (*hereinafter referred to as the Act*) and the first respondent after conducting an enquiry has passed the impugned order dated 30.06.2021 in Na.Ka.No.5214/2019 Sa.Pa by modifying the punishment of dismissal into the stoppage of increment for three years with cumulative effect. Aggrieved by the same, the petitioner Management has preferred this present writ petition.

4. The learned counsel for the petitioner submitted that, based on



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the enquiry, the charges against the second respondent were proved, hence he was dismissed from service. He further submitted that against the order of dismissal, the petitioner preferred a revision in which, the first respondent modified the dismissal punishment into one of stoppage of increment for three years with cumulative effect. Aggrieved by the impugned order dated 30.06.2021, the present petition has been filed.

5. The learned Government Advocate appearing for the first respondent submitted that the petitioner without availing the statutory remedy provided under Section 154 of the Act, where the application for review lies, the petitioner has directly approached this Court by means of the present writ petition. Hence, prays to dismiss the writ petition.

6. In view of the submissions made by the learned counsel on either side, the petitioner shall approach the Competent authority under Section 154 of the Act by way of filing a review application and only after the decision of the Competent Authority, the petitioner should approach this Court by means of writ petition. Therefore, without expressing any opinion on the merits of this writ petition, the petitioner is permitted to approach the Competent Authority by way of filing review application under Section 154 of the Act, within a period of



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one month from the date of receipt of a copy of this Order. After receiving the said review application, the Competent Authority is directed to pass appropriate orders on merits and in accordance with law within a period of one month therefrom.

7. With these observations and directions, this writ petition is disposed of. It is made clear that the Court has not gone into the merits of the case and the Competent Authority shall not be influenced by any of the observations made in this Order. No costs. Consequently, connected writ miscellaneous petition is closed.

15.11.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
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To
The Joint Registrar of Cooperative Societies,
Salem Region,
Salem.

VIVEK KUMAR SINGH. J.



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