



WEB COPY



W.P.No.27202 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2024

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

W.P.No.27202 of 2022 and
W.M.P.Nos.26401 and 26403 of 2022

Kumar

... Petitioner

Vs.

1.The Registrar of Co-operative Societies,
O/o.The Registrar of Co-operative Societies,
170, N.V.Natarajam Maaligai,
Periyar E.V.R. Road, Poonamalle High Road,
Kilpauk, Chennai – 600 010.

2.M/s.Triplicane Urban Co-operative Society Limited,
Rep by its Managing Director,
No.61, Big Street, Triplicane,
Chennai – 600 005.

... Respondents

(R2 amended vide order dated 13.07.2023
made in WMP.No.11999 of 2023
in W.P.No.27202 of 2022 by NSKJ)

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for records of the 2nd respondent Authorities pertaining to impugned order bearing office Proceedings No.468 dated 12.05.2008 having reference no.Na.Ka.3123/02/E4 and quash the same impugned order passed by as per by the 2nd respondent issued Maximum penalty of dismissal from petitioner's



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deceased father (K.Harikrishnan's) employment and consequently directing the 2nd respondent to issue fresh notice and conduct a expedite and transparent re-enquiry with a new disciplinary officer by providing access to all necessary documents to the petitioner giving him fair opportunity.

For Petitioner : Mr.B.Karthikeyan

For Respondents : Mrs.M.Geetha Thamaraiselvan
Special Government Pleader
for R1
Mr.L.S.M.Hasan Fizal
for R2

ORDER

The case of the petitioner is that the petitioner's father K.Hari Krishnan, was appointed as a Attender with the second respondent/Co-operative Society. While so, in the year 2002, he suffered a stroke and he immediately intimated to the second respondent/Society through proper letter. In spite of which, the second respondent/Society proceeded ahead and passed the order of termination. The same was erroneous. Especially, when the petitioner's father suffered a stroke to the knowledge of the officials of the respondents/societies. In spite of knowing the fact that the petitioner's father also slipped into coma, further the order has been passed.



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2. Be that as it may, if the termination order is erroneously passed by the second respondent which is a Society, the remedy available to the petitioner is to approach the Jurisdictional Registrar of Co-operative Society by way of revision under Section 153 of the Tamil Nadu Co-operative Societies Act, as the second respondent is not a local or other authority within the meaning of Article 12 of the Constitution of India. Therefore, giving such liberty to the petitioner to approach the appropriate Authority by way of revision, this writ petition stands disposed of. As far as question of delay is concerned, the learned counsel for the petitioner submits that he has got valid and proper reason to explain the delay, the same can be done before the appropriate Authority. No costs. Consequently, connected writ miscellaneous petitions are closed.

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Neutral Citation: No
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