



W.P.No.24076 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.24076 of 2024
and W.M.P.No.26328 of 2024

A.Dhanasekaran

.. Petitioner

Vs.

1.The Joint Registrar of Co-operative Societies,
Namakkal Region,
Namakkal.

2.S.175 Belukurchi Primary Agricultural
Co-operative Credit Society,
Rep by its President / Administrator,
Belukurchi,
Senthamangaam Taluk,
Namakkal District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the notice issued by the 1st respondent under Section 153(1) of the TNCS Act in Na.Ka.No.3549/2024 sa.pa dated 29.07.2024 in Revision Petition No.01/2024 sa.pa dated 05.07.2024 and consequential order of suspension passed by the 2nd respondent dated 31.07.2024 quash the same and struck off the Revision Petition No.1/2024 on the file of the 1st respondent.



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For petitioner : Mr.M.S.Palaniswamy
For R1 : Mr.M.Rajendiran
Additional Government Pleader
For R2 : Mr.D.Gopal
Government Advocate

ORDER

This writ petition has been filed against the proceedings initiated by the 1st respondent under Section 153(1) of the Tamil Nadu Co-operative Societies Act and the consequential suspension order passed by the 2nd respondent dated 31.07.2024.

2.The case of the petitioner is that he was working as a Senior Clerk in the 2nd respondent society. The 2nd respondent society at that point of time had elected President for Board of Directors. The elected President issued a charge memo dated 07.11.2022 against the petitioner containing two charges. The petitioner submitted his explanation. An Enquiry Officer was appointed and enquiry was conducted and ultimately, punishment dated 08.12.2022 was imposed against the petitioner of six months increment cut without cumulative effect.



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3.The grievance of the petitioner is that all of a sudden he has now received notice from the 1st respondent based on the revision petition filed by the 2nd respondent under Section 153(1) of the Tamil Nadu Co-operative Societies Act. Pursuant to the same, the 2nd respondent also passed a suspension order against the petitioner on 31.07.2024. Aggrieved by the same, the present writ petition has been filed before this Court.

4.Heard the learned counsel for the petitioner, learned Additional Government Pleader for the 1st respondent and the learned Government Advocate for the 2nd respondent.

5.The main ground that was urged by the learned counsel for the petitioner is that for the very same set of facts, already an enquiry was initiated by the society and on the completion of the departmental proceedings, punishment was also imposed against the petitioner. Therefore, the petitioner cannot be proceeded again on the basis of the very same set of facts for yet another enquiry. It was also contended that the society which had imposed the punishment cannot challenge its own order before the Registrar by filing a Revision under Section 153(1) of



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the Tamil Nadu Co-operative Societies Act. The petitioner has also questioned the order of suspension passed by the 2nd respondent even without issuance of a charge memo against the petitioner and when a revision petition is pending on the file of the 1st respondent.

6.In the considered view of this Court, considering the nature of grounds that have been raised by the society, this Court is not inclined to interfere with the revision proceedings pending before the 1st respondent. In the instant case, the Administrator of the Co-operative Society, at the best can be considered only as an informant. The Registrar by himself has a *suo motu* power to initiate revision proceedings. Therefore, on a technical ground that the Administrator cannot maintain a revision petition, this Court is not inclined to interfere with the proceedings pending before the 1st respondent.

7.Even though various grounds were raised on facts and merits, this Court is not going into any of those facts / merits, since it will have a bearing in the proceedings that are now pending before the 1st respondent. Therefore, it is left open to the petitioner to raise all the grounds before the 1st respondent and the same will be considered on its own merits and



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in accordance with law before final orders are passed.

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8.The petitioner has already undergone disciplinary proceedings and a punishment has already been imposed against the petitioner. That apart, this is a case which is borne out by records. Therefore, there is no need to keep the petitioner under suspension when a revision petition is pending before the 1st respondent. In view of the same, this Court is inclined to interfere with the order of suspension passed by the 2nd respondent through proceedings dated 31.07.2024. Accordingly, the order of suspension passed against the petitioner is hereby set aside.

9.This Writ Petition is disposed of with a direction to the 1st respondent to proceed further with the enquiry in the revision petition and it is left open to the petitioner to raise all the grounds before the 1st respondent which shall be considered on its own merits and in accordance with law before final orders are passed. The order shall be passed by the 1st respondent within a period of eight (8) weeks from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petition is closed. No costs.



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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

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N.ANAND VENKATESH, J.

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