



WP(MD). No.15835 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 16/07/2024

CORAM

The Hon`ble Ms.Justice R.N.MANJULA

**WP(MD). No.15835 of 2024
and WMP(MD) No.13780 of 2024**

Muthukrishnan M

... Petitioner

Vs

1. The Registrar of Cooperative,
Societies, No.170, N V Ntarajan
Maaligai, Poonamallee High Road,
Kilpauk, Chennai - 600 010..

2. The Deputy Registrar of Cooperative Societies,
Nagercoil, Kanyakumari District..

3. The Cooperative Sub Registrar,
Nagercoil, Kanyakumari District..

4. The Administrator,
Kn 77 Aralvaimozhy Cooperative Credit
Society Ltd., Aralvaimozhy,
Kanyakumari District..

... Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings of the 4th respondent dated 02.07.2024 and quash the same.



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For Petitioner : Mr.V.R.Shanmuganathan
For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

By consent of both sides, the writ petition itself is taken up for final disposal at the admission stage itself.

2. Heard Mr.VR.Shanmuganathan, learned counsel for the petitioner and Mr.S.Selvaganesan, learned Additional Government Pleader for the respondents.

3. The petitioner has filed this writ petition challenging the impugned order of suspension of the 4th respondent dated 02.07.2024. The impugned order has been passed stating that the administrative officer has got no authority and the competent authority, who can place the petitioner under suspension, is the Joint Registrar.

4. The learned counsel for the petitioner submitted that the petitioner, who is working in the cadre of Clerk, does not fall under the common cadre service and hence, the fourth respondent has no power



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and competence to place the petitioner under suspension.

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5. Attention was drawn to Section 76 of the Cooperative Societies Act, 1983, which would read as under:

“76. Suspension of a paid Officer or servant of society:

(1) Where

(a) in the course of an audit under section 80 or an inquiry under section 81 or an inspection or investigation under section 82, or inspection of books under section 83, it is brought to the notice of the Registrar that a paid officer or servant of a registered society whether or not he is borne on a common cadre of service has committed or has been otherwise responsible for misappropriation, breach of trust or other offences in relation to any registered society and if, in the opinion of the Registrar there is a “prima facie” evidence against such paid officer or servant and the suspension of such paid officer or servant is necessary in the interest of any such society, or

(b) a complaint against any paid officer or servant of any registered society whether or not he is borne on a common cadre of service of any alleged commission of any other offence involving moral turpitude is pending investigation or trial and if, in the opinion of the Registrar, the suspension of such paid officer or servant is necessary in the public interest or in the interest of such society, the Registrar may direct, where the paid officer or servant is borne on a common cadre of service, the competent authority constituted under sub section (3) of section 75, and in other cases the registered society under which the paid officer or servant is



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employed, pending such investigation, trial and disposal of the matter, to place or cause to be placed such paid officer or servant under suspension from such date and for such period as may be specified by him.

(2) On receipt of a direction from the Registrar under sub-section (1), the competent authority or the registered society, as the case may be, shall, notwithstanding any provision to the contrary in the rules or the by-laws or the order under sub-section (1) of section 75, place or cause to be placed the paid officer or servant under suspension forthwith.

(3) The Registrar may direct the competent authority or the registered society, as the case may be, to extend or cause to be extended, from time to time, the period of suspension and the paid officer or servant suspended shall not be reinstated except with the previous sanction of the Registrar.

(4) Notwithstanding anything contained in sub-sections (2) and (3) and without prejudice to the provisions contained in section 88, if in the opinion of the Registrar, the competent authority or any registered society, as the case may be, either willfully disobeys or willfully fails to comply with any direction, issued under sub-section (1) or sub-section (3), he may, by order, place or because to be placed the paid officer or servant under suspension forthwith or extend or cause to be extended from time to time, the period of suspension of such paid officer or servant.”

6. Even if the 4th respondent has considered as a competent



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authority, he can pass orders of suspension only on the receipt of directions from the Registrar. However, the order of suspension dated 02.07.2024 itself is just a cryptic order, which does not have any reference about the directions issued by the Registrar. In view of the procedural lapse patently visible in the order of suspension, I feel that the order has to be set aside.

7. Accordingly, the writ petition is disposed of and the impugned order dated 02.07.2024 is set aside and the fourth respondent is at liberty to get instructions from the appropriate authority for placing the petitioner under suspension in view of the allegations raised against him and issue fresh order in accordance with the directions given. No costs. consequently connected Miscellaneous Petition is closed.

16.07.2024

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TO

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2. The Deputy Registrar of Cooperative Societies,
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R.N.MANJULA,J

RR

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