



W.P.(MD)Nos.5149 & 13519 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2024

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THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)Nos.5149 & 13519 of 2018

and

W.M.P.(MD)Nos.5130, 12325, 12326 & 12579 of 2018

W.P.(MD)No.5149 of 2018:

The Management,

Thali.Thani.143, Kulathur Primary Agricultural

Cooperative Credit Society,

Rep. by its President, Kulathur Post,

Thoothukudi District.

: Petitioner

Vs.

1.The Regional Joint Registrar of Cooperative Societies,

Thoothukudi Region, Thoothukudi.

2.K.Vijayakumari

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, to call for the records relating to the impugned order passed by the first respondent in Na.Ka. 5134/2017 Sa.O. Dated 16.02.2018 (Revision Petition No.2/2017) and quash the same.



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For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondent No.1 : Mr.G.Suriya Ananth

Additional Government Pleader

For Respondent No.2 : Mr.S.Sivakumar

W.P.(MD)No.13519 of 2018:

K.Vijayakumari

: Petitioner

Vs.

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

2.Thali.Thani.143, Kulathur Primary Agricultural
Cooperative Credit Society,
Rep. by its President, Kulathur Post,
Thoothukudi District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent pertaining to the portion of the order treating the suspension period as leave on loss of pay as punishment from the date of suspension viz., 03/05/2014 within two weeks from the date of the order or till the reinstatement of the petitioner in service whichever is earlier in Revision Petition No. 2/2017 dated 16.02.2018 in Na.Ka.5134/2017 Sa.O and quash the



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same and consequently direct the second respondent to grant all monetary and service benefits in consequent to the same.

*[Prayer amended vide court order dated 09.07.2018
in W.M.P.(MD)No.12578 of 2018]*

For Petitioner : Mr.S.Sivakumar

For Respondent No.1 : Mr.G.Suriya Ananth

Additional Government Pleader

For Respondent No.2 : Mr.D.Shanmugaraja Sethupathi

COMMON ORDER

W.P.(MD)No.5149 of 2018 has been filed by the petitioner Management, challenging the order of the first respondent dated 16.02.2018. The said order was passed under Section 153 of 'the Tamil Nadu Cooperative Societies Act, 1983' [In short 'the Act']. Under the impugned order, the first respondent has modified the termination order dated 28.02.2017 under which the second respondent in W.P.(MD)No.5149 of 2018 was terminated from service.

2.The second respondent in W.P.(MD)No.5149 of 2018 has also filed a writ petition in W.P.(MD)No.13519 of 2018, challenging the very same order dated 16.02.2018 passed by the first respondent and he has also sought for his reinstatement and payment of all monetary and service benefits in consequent to the same.



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3.It is now brought to the notice of this Court by both the Counsels that the second revision filed by Mrs.K.Vijayakumari, the petitioner in W.P.(MD)No.13519 of 2018 under Section 153 of the Act, before the State Government which was filed on 05.05.2018 is still pending consideration and no final orders have been passed. The said revision was received by the State Government on 07.05.2018 and a counter has been filed by the Management in the said revision.

4.Learned Counsel for the Management, who is the petitioner in W.P.(MD)No.5149 of 2018 and the learned Counsel appearing for the employee in W.P.(MD)No.13519 of 2018 would now submit that these writ petitions can be disposed of, by giving a direction to the State namely, the Secretary to Government, Cooperation, Food and Consumer Protection Department, Secretariat, Fort St. George, Chennai, to pass final orders on merits and in accordance with law within a time frame to be fixed by this Court in the revision filed by the employee namely Mrs.K.Vijayakumari, under Section 153 of the Act dated 05.05.2018.

5.Learned Additional Government Pleader appearing for the first respondent who has passed the impugned order also has not raised any serious objection for such a direction to be issued by this Court.



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6.Even though several objections have been raised in the counter affidavit filed by the first respondent, the same need not be considered at this state by this Court, since this Court is not going into the merits of the respective contentions.

7.For the foregoing reasons, these Writ Petitions are disposed of by directing the Secretary to Government, Cooperation, Food and Consumer Protection Department, Secretariat, Fort St. George, Chennai, to pass final orders on merits and in accordance with law in the revision petition filed by Mrs.K.Vijayakumari, the petitioner in W.P.(MD)No.13519 of 2018 under Section 153 of the Act dated 05.05.2018, within a period of twelve [12] weeks from the date of receipt of a copy of this order. Both the Management namely the petitioner in W.P.(MD)No.5149 of 2018 and the employee, the petitioner in W.P.(MD)No.13519 of 2018, are permitted to raise all the grounds that have been raised in their respective writ petitions filed before this Court and the State is directed to consider the same on merits and in accordance with law while passing the final orders.

8.This order is passed in the presence of the learned Additional Government Government Pleader. Registry is directed to mark a copy of this order to the Secretary to Government, Cooperation, Food and Consumer Protection Department,



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Secretariat, Fort St. George, Chennai, for the effective implementation of the same.

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9.Accordingly, these Writ Petitions stand disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

12.08.2024

Index :Yes / No
Internet : Yes / No
NCC : Yes/No
MR



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To

1.The Secretary to Government,
Cooperation, Food and Consumer Protection Department,
Secretariat,
Fort St. George,
Chennai.

2.The Regional Joint Registrar of Cooperative Societies,
Thoothukudi Region,
Thoothukudi.



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ABDUL QUDDHOSE, J.

MR

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