



**W.A.(MD) No.579 of 2018**

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 18.06.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA  
and  
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A.(MD) No.579 of 2018  
and  
C.M.P(MD)No.3273 of 2018**

The Administrator,  
R-963, Thulayanatham Primary  
Agricultural Co-operative Credit Bank Ltd.,  
Thulayanatham Post,  
Musiri Taluk,  
Tiruchirapalli District.

....Appellant/3rd Respondent

**-VS-**

1.N.Vanathan  
Clerk-2 (Under Suspension),  
R-963 Thulayanatham Primary  
Agricultural Co-operative Credit Bank Ltd.,  
Jembunathapuram Post,  
Musiri Taluk,  
Tiruchirapalli District.

...1st Respondent/Petitioner

2.The Joint Registrar of Co-operative Societies,  
Thiruchirapalli Region,  
Tiruchirapalli.



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3. The Deputy Registrar of Co-operative Societies,  
Musiri Region,  
Tiruchirapalli District.

...2nd & 3rd Respondents/  
1st and 2nd Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order,  
dated 31.01.2018, passed in W.P.(MD) No.16151 of 2015.

For Appellant : Mr.M.Sridharan  
For R1 : Mr.S.Balamurugan  
For R2 & R3 : Mr.K.S.Selvaganesan  
Additional Government Pleader

### **J U D G M E N T**

**[Judgment of the Court was made by A.D.JAGADISH CHANDIRA, J.]**

This Writ Appeal has been filed by the appellant/third respondent  
challenging the order passed by the Writ Court on 31.01.2018 in W.P(MD)No.  
16151 of 2015.



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2. For the sake of convenience, the parties are referred to according to their litigative status before the writ Court.

3. The learned counsel appearing for the appellant Society would submit that the learned Single Judge has failed to taking into consideration the fact that the Criminal Case is pending against the delinquent/writ petitioner and that is the reason for suspending the petitioner. Further, the then President of the Society had not obtained the consent from the Joint Registrar of the Co-operative Societies for revoking the earlier suspension order and that was the reason, the fresh suspension order was passed in view of the power granted under Section 76(4) of the Tamil Nadu Co-operative Societies Act.

4. Per contra, the learned counsel appearing for the writ petitioner/first respondent would submit that on the date of passing of the impugned order against the petitioner, disciplinary proceedings were conducted and it was concluded absolving the petitioner from the charges levelled against him. Only after the absolvment of the charges, the President had revoked the

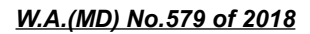


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5. We have heard the learned counsel appearing for the appellant, the learned counsel appearing for the first respondent and the learned Additional Government Pleader appearing for the respondents 2 & 3.

6. The learned Single Judge erroneously finding that no proceedings were pending against the petitioner had set aside the order of suspension. However since now it is submitted that the criminal case as against the petitioner has been quashed there is no requirement of passing further orders.



**[A.D.J.C., J.]      [K.R.S., J.]**

<https://www.mhc.tn.gov.in/judis>



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**A.D.JAGADISH CHANDIRA, J.**  
**AND**  
**K.RAJASEKAR, J.**

am

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**18.06.2024**