



WP(MD)No.20441 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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and

WMP(MD)Nos.17080 of 2019 and 11236 of 2021

The Kunnathur Primary Agricultural
Co-Operative Credit Society Ltd
No.Y-55, Co-Operative Bank,
Puthukkadai – 629 171,
Kanyakumari District,
represented by its President

... Petitioner

Vs

1.The Joint Registrar of Co-Operative Societies,
Nagercoil,
Kanyakumari District.

2.T.Vijaya

3.Natukattu Raja

The Joint Registrar of Co-Operative Societies ,
Nagercoil, Kanyakumari District.

...Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a writ of certiorari calling for the records relating to the impugned order passed by the 1st respondent in Na.Ka.2261/201/SaPa dated 03.07.2019 and quash the same as illegal.



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For Petitioner : Mr.M.Jerin Mathew
For Respondents : Mr.GV.Vairam Santhosh,
No.1 Additional Government Pleader
For Respondent : Ms.M.F.Rooshi Maas
No.2 for M/s.Isaac Chambers
For Respondent : No representation
No.3

ORDER

The president of the Kunnathur Primary Agricultural Co-Operative Credit Society, Puthukkadai, Kanyakumari district has filed this writ petition as against the order passed by the revision authority, namely the 1st respondent / the Joint Registrar of Co-Operatives, Kanyakumari in the revision petition filed by the 2nd respondent as against the punishment imposed on her.

2.The learned Counsel for the petitioner submits that the 1st respondent has set aside order of punishment and passed the impugned order in a vague manner and also in a corrupt manner. According to the learned counsel for the petitioner, the 1st respondent, who passed this impugned order was transferred by government order in GO.No.133,



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Co-Operation, Food and Consumer Protection Department dated 02.07.2019. The impugned order was passed by him on 03.07.2019. He pointed out that this order dated 03.07.2019 was dispatched only on 05.09.2019.

3.The learned counsel for the 2nd respondent seeks a short accommodation for the appearance of the learned Senior Counsel.

4.This Court considered the rival submissions made and also perused the order impugned in this writ petition.

5.This 2nd respondent was subjected to disciplinary proceedings on the following charges:

“a. Allowing a single person to sign on behalf of other members and there by abetted to commit fraud.

b. Have not maintained the Gold Loan Liability register and granted gold loan than the single member permissible limit (8 lakhs) and hence has not properly discharged his duties and liabilities attached to the post.

c. Caused bad name and ill will to the society over the general public”



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6.The petitioner / the Chairman of the Board, has conducted the enquiry and has imposed a punishment of dismissal from service on the 2nd respondent. As against this order of dismissal passed by the petitioner, the 2nd respondent has filed a revision petition before the 1st respondent on 25.04.2018. The revision authority by the order impugned in this writ petition has set aside the order of dismissal passed by the petitioner and ordered for reinstatement by treating the suspension period as leave period, till the 2nd respondent joins the duty. The petitioner has enclosed government order dated 02.07.2019. By this government order, this Joint Registrar Natukattu Raja was transferred from Kanyakumari district and posted as the Joint Registrar of Nagapattinam Region, Nagapattinam. Admittedly, this impugned order has been passed on 03.07.2019 after the transfer of the 1st respondent / Joint Registrar vide government order dated 02.07.2019. The learned Counsel for the petitioner by referring to the postal receipt pointed out that the impugned order dated 03.07.2019 was despatched only on 05.09.2019. Therefore, according to the learned Counsel, this order is a created one in order to facilitate the 2nd respondent, after the order of transfer of the 1st respondent dated 02.07.2019. Though this petitioner has demonstrated that the order has



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been passed by the 1st respondent after his transfer, this Court has perused the impugned order, which runs to 63 pages. It is seen that the pleadings have been extracted upto page 60 and the entire issue has been answered in two pages. The order passed by the 1st respondent appears to be vague and without any reasonings, which cannot be sustained. Therefore, the impugned order is set aside and the matter is remanded back to the 1st respondent for fresh consideration. The 1st respondent shall consider the case of the 2nd respondent in accordance with law by providing an opportunity of hearing to the 2nd respondent and also to the petitioner society and pass appropriate orders within a period of four months from the date of receipt of a copy of this order.

7.This writ petition is allowed in the above terms. No costs. Consequently connected miscellaneous petitions are closed.

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Internet : Yes / No

DSK



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To
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The Joint Registrar of Co-Operative Societies,
Nagercoil,
Kanyakumari District.



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B.PUGALENDHI.J.,

DSK

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