



W.P.(MD).No.22049 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.22049 of 2024

and

W.M.P(MD) No.18677 of 2024

T.Jegan

... Petitioner

Vs.

1. The Joint Registrar of Co-operative Societies,
Kanyakumari Region,
Nagercoil, Kanyakumari District.
2. The Deputy Registrar of Co-operative Societies,
Nagercoil Circle,
Kanyakumari District.
3. Y-48, Mylaudy Primary Agricultural
Co-operative Credit Society,
Represented by its Administrator,
Mylaudy – Post,
Kanyakumari District.
4. Vijay Ananth,
Clerk (Fertilizer Salesman in -charge)
Y-48, Mylaudy Primary Agricultural
Co-operative Credit Society,
Mylaudy Post,
Kanyakumari District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned suspension order passed by the third respondent dated 22.05.2024 and quash the same as illegal and consequently direct the respondents to re-instate the petitioner into service within the period that may be stipulated by this Court.

For Petitioner : Mr.V.H.S.Prathap

For R1 and R2 : Mr.S.S.Madhavan
Government Advocate

ORDER

The instant writ petition has been filed by a Senior Clerk working in Primary Agricultural Co-operative Society, challenging the order of suspension issued by the Administrator of the concerned Society, on the ground that it has been issued by an in-competent authority.

2. According to the learned counsel appearing for the writ petitioner, the petitioner being a Senior Clerk, he is brought under the common cadre service by way of G.O.(Ms) No.29 of Co-operation, Food and Consumer Protection (CN1) Department, dated 15.02.2024. Therefore, the competent authority is the Joint Registrar of Co-operative Society to issue an order of



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suspension. However, in the present case, the order of suspension having been issued by the Administrator is illegal.

3. Per contra, the learned Government Advocate appearing for the respondents 1 and 2 pointed out that as per G.O.(Ms) No.29 of Co-operation, Food and Consumer Protection (CN1) Department, dated 15.02.2024, only the Assistant Secretaries were brought within the Common Cadre Service Rules and not any other employee below the rank of Assistant Secretary. A perusal of the said Government Order also supports the contention of the learned Government Advocate appearing for the respondents 1 and 2.

4. In view of the above said facts, the Administrator of the Co-operative Society is the competent authority to impose an order of suspension upon the Senior Clerk working in the Co-operative Society and there are no merits in the writ petition.



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5. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

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2. The Deputy Registrar of Co-operative Societies,
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3. Y-48, Mylaudy Primary Agricultural
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