



W.P.No.3759 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 24.11.2025

Pronounced on : 28.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.3759 of 2019
and
W.M.P.No.4154 of 2019

C.Anbazhagan

... Petitioner

vs

1. The Joint Registrar of Cooperative Societies/
Revision Officer,
Vilupuram Region,
Vilupuram.

2. The President,
Kazhumaram Primary Agricultural
Co-operative Loan Society Ltd.,
Kazhumaram Post,
Thirukovilur,
Vilupuram

... Respondents

Prayer: Writ Petitions are filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned order passed by the first respondent in his proceedings



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No.Na.Ka.2901/2018 Sa.Pa, dated 11.10.2018 and to quash the same as being illegal and unsustainable in law and consequentially direct the respondents to restore the petitioner in the post of Secretary with effect from 14.01.2016 with arrears of salary and all other consequential benefits including seniority and pass orders.

For Petitioner : Mr.R.Ramachandran
for Mrs.N.Kavitha Rameshwar

For Respondents : Mrs.V.Yamunadevi
Special Government Pleader for R1

: Mr.L.P.Shanmugasundaram for R2

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader for the first respondent and the learned counsel for the second respondent and perused the records.

2. The petitioner, by the present writ petition, had sought for issuance of writ of certiorarified mandamus, to call for the records relating to the impugned order passed by the first respondent, in his proceedings dated 11.10.2018 and to quash the same as illegal and unsustainable in law with a consequential direction to



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the respondent to restore the petitioner in the post of Secretary with effect from 01.04.2016 and to grant all consequential benefits including seniority.

3. The case of the petitioner in brief is that, he was initially appointed as Salesman on daily wage basis on 12.12.1992; that his services were regularized on 21.07.1996; and that he was promoted as Clerk on 20.07.2000 and thereafter, as Senior Clerk on 21.06.2006.

4. It is the further case of the petitioner that, while working as Senior Clerk, he was promoted as Secretary of the second respondent/Co-operative Society on 27.04.2014; that he had rendered unblemished service in the respondent's Society through out commencing in December, 1992; that he was issued with the order of suspension dated 27.04.2015, stating that the disciplinary proceedings are contemplated against him; that thereafter, he was issued with a charge memo dated 20.07.2015, containing four articles of charge, and was called upon to submit his explanation; that he submitted his explanation on 10.08.2015; and that enquiry proceedings were conducted by the Enquiry Officer appointed by the second respondent.



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5. It is the further case of the petitioner that the Enquiry Officer by conducting enquiry proceedings, submitted his report dated 20.10.2015, stating that the charges against the petitioner are proved; that the second respondent on receiving the aforesaid enquiry report, by communication dated 19.12.2015, called upon him to submit explanation/reply to the show cause notice; that on 04.01.2016, he had sought time to submit explanation; and that the second respondent, without considering the request made by him, passed order dated 07.01.2016, rejecting the request for further time and passed an order of punishment dated 14.01.2016, demoting him from the post of Secretary to the lowermost post of Salesman, which is four posts lower in rank.

6. The petitioner further contended that, on the second respondent issuing the aforesaid order of punishment demoting him from the post of Secretary to the lowermost post of salesman, he had approached this Court by filing writ petition *vide* W.P.No.4644 of 2016 and this Court, by order dated 08.02.2016, granted an interim order of *status quo*; that on the date of interim order of this Court *i.e.*, 08.02.2016, as he was in the post of Secretary, and did not join the duty as Salesman as he is entitled to discharge his duties as Secretary.



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7. The petitioner further contended that, the respondent did not allow him to discharge the duties of Secretary, even though this Court had directed for maintaining *status quo*; that for failure to comply with the order of this Court he had initiated contempt proceedings *vide* Cont.P.No.2388 of 2016; and that this Court disposed of the aforesaid contempt petition on 17.10.2016, directing the respondent to permit the petitioner to join the post of Clerk/Typist/JL Appraiser.

8. The petitioner contended that on this Court passing the aforesaid order in Contempt Petition, he had approached the second respondent authority to allow him to join duty as clerk/typist/JL appraiser; that the second respondent however rejected his request on 27.01.2017, stating that he may join the post of Clerk subject to few conditions; that the conditions imposed were (i) no increment or any other benefit will be paid to him; (ii) he was directed to deposit a sum of Rs.2,93,324.50/- with interest at the rate of 18% p.a. from 16.10.2015 till date and (iii) if he fails to deposit the aforesaid amount, the second respondent would take disciplinary action against him.



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9. It is the further contention of the petitioner that aggrieved by the aforesaid action of the second respondent, he had approached this Court by filing writ petition *vide* W.P.No.4044 of 2017, and this Court based on the counter affidavit filed by the second respondent, permitted him to join the duty as Clerk and issued further direction to the respondent to consider his representation of the petitioner for subsistence allowance; that pursuant to the aforesaid order of this Court, he had joined as Clerk on 15.03.2017, without prejudice to his rights in the main Writ Petition *i.e.*, W.P.No.4644 of 2016; and that the said writ petition was dismissed on 22.08.2017, without going into the merits of the case, by observing that it is open to the petitioner to pursue his statutory remedy of revision under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983 (in short “the Act”);

10. It is contended by the petitioner that based on the liberty granted by this Court, he had filed revision before the first respondent along with related documents on 12.12.2017; that he had appeared before the first respondent authority and explained that the order by which punishment was awarded, demoting him to the post of Salesman, is against law as well as bye-laws of the



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society; that no opportunity was given to him before demoting him from the post of Secretary to lowermost post of Salesman; that the first respondent, without applying his mind, passed the impugned order dated 11.10.2018; that in the revision filed under Section 153 of the Act, the appellate authority, without discussing the pleas taken as to how charges are framed against him and also the manner in which enquiry was conducted, has only extracted the facts and submissions made and confirmed the order dated 13.03.2017.

11. The petitioner contended that the Revisional Authority ought to have considered the facts of the case of the petitioner on merits and since, the impugned order rejecting the revision application is passed without reasons, the same is liable to be set aside.

12. Counter affidavit on behalf of the second respondent is filed.

13. The second respondent by the counter affidavit, contended that the petitioner, who had originally joined as PDS Salesman on daily wage basis; that he was given promotion to the post of Clerk, against Rule 149 (1) of Tamil Nadu Co-



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operative Societies Rules, 1988, which requires that promotion is to be given to the post of Fertilizers Salesman; that similarly, from Clerk, he is promoted as Senior Clerk on 05.01.2008 and was given double promotion to the post of Secretary, instead of Assistant Secretary; and thus, the appointment of petitioner as secretary is against Rules.

14. By the counter affidavit, it is further contended that the petitioner was placed under suspension with effect from 27.04.2015, for the irregularities committed by him during the period 01.07.2011 to 24.04.2015, while working as PDS Clerk and Secretary of the second respondent society; that charges were framed against the petitioner under charge memo dated 20.07.2015; that on the petitioner submitting his explanation dated 10.08.2015, domestic enquiry was conducted by the Enquiry Officer, appointed for the said purpose; and that the Enquiry Officer submitted enquiry report dated 20.10.2015, stating all the charges against the petitioner are proved.

15. By the counter affidavit, it is further contended that taking into consideration, the enquiry report submitted by the Enquiry Officer, further



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explanation of the petitioner was called for, for all the charges which were found to be proved, by furnishing him with a copy of the enquiry report and as the petitioner did not submit any written explanation, disciplinary action was taken, by demoting him as salesman *vide* proceedings dated 14.01.2016.

16. By the counter affidavit, it is further contended by the respondent that against the aforesaid order, the petitioner had approached this Court by filing writ petition *vide* W.P.No.4644 of 2016, wherein, initially interim order of *status quo* was granted and thereafter, the said Writ Petition was dismissed, leaving it open to the petitioner to pursue the remedies available in law.

17. By the counter affidavit, the respondent contended that the petitioner, thereafter, presented the revision petition dated 12.12.2017, to the first respondent under Section 153 of the Act and on the said revision petition being returned by the first respondent *vide* proceedings dated 05.02.2018, on the ground of the same having preferred beyond the time period prescribed under the Act and also the required document not being enclosed with the petition. On the revision petition, the petitioner being retired, once again approached this Court, by filing writ



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petition *vide* W.P.No.8814 of 2018 and this Court, by order dated 12.04.2018, had set aside the proceedings of the first respondent dated 05.02.2018 and directed the first respondent to take the revision petition on file and adjudicate the matter on merits and in accordance with law, by providing opportunity; and that subsequently, the revision petition filed by the petitioner under Section 153 of the Act was taken on record.

18. By the counter affidavit, it is further contended that on the first respondent, took the revision petition filed by the petitioner on file on 05.07.2018; that the petitioner and the second respondent were heard in-person; that the first respondent by considering the submissions made during the personal hearing and also the written representation submitted by both parties, disposed of the revision by passing order dated 11.10.2018, concurring with the findings of the second respondent *vide* proceedings dated 13.03.2017, by placing the petitioner in the post of Clerk, however modified the punishment of demotion, restricting the period of punishment to five years.



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19. By the counter affidavit, it is further contended that the impugned order has been passed, after affording sufficient opportunity and perusing the record and as such, the said order does not call for any interference. It is also contended that, if the petitioner is aggrieved by the order of the first respondent, he ought to have filed revision before the Government under Section 153(3) of the Tamil Nadu Co-operative Societies Act, 1983, and the petitioner, instead of availing the said remedy, has approached this Court by the present writ petition.

20. Contending as above, the respondent seek for dismissal of the present petition.

21. I have taken note of the respective contentions as urged.

22. Before proceeding to deal with the contentions urged on either side, it is to be noted that the material papers filed into this Court along with the writ petition, except the orders of this Court, are in vernacular language. This Court, from 18.08.2025, had granted time to the learned counsel for the petitioner to file translated copies of material papers in order to proceed with the matter. On



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27.10.2025, this Court granted time to the petitioner as a final opportunity, to file translated copies of material papers by 24.11.2025. On 24.11.2025, when the matter was listed for final hearing and on the learned counsel for the petitioner seeking further time to file translated copies, this Court directed him to file a memo seeking extension of time, as this Court on 27.10.2025 had made it clear that the petitioner is being granted time as a final chance to file translated copies of material papers by 24.11.2025. On this Court pointing out that the docket order is also a judicial order, and unless and until, a memo is filed by the learned counsel for the petitioner seeking extension of time for filing translated copies, the oral request made by the learned counsel for the petitioner for further time cannot be accepted, the learned counsel for the petitioner submitted that the petitioner has not approached him for filing the translated copies of material documents in the matter and as such, he would not by himself undertake to file translated copies of material papers into the Court, by filing a memo as the same amounts to he agreeing to file the same by next date of hearing, even, if this Court considers the request made by him by way of memo.



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23. On the aforesaid submission being made, this Court informed the learned counsel for the petitioner that, if memo is not filed seeking extension of time for filing translated copies of material papers, the matter would be proceeded on the basis of documents available on record other than in vernacular language and the same would be construed as unwillingness of the petitioner to file translated copies, the learned counsel for the petitioner persisted with his claim for grant of further time, without he having required to file a memo. On this Court refusing to accede to the said request, the learned counsel for the petitioner submitted that he would argue the matter on the basis of the affidavit and the Court may decide the matter on the basis of the submissions.

24. Thus, this Court took up the Writ Petition for final hearing. Though in the affidavit filed in support of the writ petition, it is contended by the petitioner that the first respondent who is a Revisional Authority under Section 153 of the Act, has not discussed any of the charge against the petitioner and the manner in which, the enquiry was conducted by the Disciplinary Authority, but, only extracted the facts and submissions made while confirming the order dated 13.03.2017, the said assertion made in the affidavit is not supported by showing to



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this Court, the order of the first respondent not considering the pleas taken in the revision application. This is on account of the fact that this Court did not have the benefit of perusing the contents of the impugned order, which is in vernacular language, on account of failure of the petitioner to file translated copies. Thus, the aforesaid assertion made is not substantiated.

25. Further, taking note of the fact that the impugned order, being an order passed by the first respondent in a revision application filed under Section 153(1) of the Act, the petitioner ought to have availed further remedy of revision by approaching the Government under the Act.

26. Admittedly, the petitioner did not avail the further remedy provided under the Act, as is evident from the writ affidavit averments.

27. As the petitioner having availed the first level of remedy provided under the Act, by filing application under Section 153(1) of the Act, this Court is of the view that the petitioner could not have abandoned further remedy provided thereunder and approaching this Court invoking the extraordinary jurisdiction



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under Article 226 of the Constitution of India. It is to be noted that since, the Act is a complete code by itself, the petitioner ought to have availed further remedy provided thereunder, i.e by approaching Government if he is aggrieved by the order of the first respondent. Since, the petitioner failed to avail the said remedy, this Court is of the view that this Court cannot take up the *onus* of examining the correctness or otherwise of the order of the first respondent, particularly, taking note of the fact that the petitioner has refused to furnish translated copies of the material papers filed, coupled with the fact that the respondent, contended that the said order has been passed by the authority concurring with the finding of the disciplinary authority, after granting opportunity of hearing to the petitioner as well as the respondent.

28. Thus, this Court is of the view that the petitioner, instead of availing the said opportunity, rushed to this Court by invoking equity jurisdiction and having failed to comply with the direction of this Court to furnish the translated copies of the material documents, this Court is of the view that the petitioner is not entitled to be granted any relief.



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Accordingly, this Writ Petition is dismissed. Consequently, connected

Miscellaneous Petition is closed. No order as to costs.

28.11.2025

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

dh

To

1. The Joint Registrar of Cooperative Societies/

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Vilupuram Region,
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2. The President,

Kazhumaram Primary Agricultural
Co-operative Loan Society Ltd.,
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T. VINOD KUMAR, J.

dh

Pre-delivery order made in
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