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W.P.No.1710 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.1710 of 2016 and
W.M.P.Nos.1484 of 2016 and 1771 of 2022**

S 240 Thoppapatti Primary Agricultural Co-operative
Credit Society Limited,
Rep.by its President M.Subramani,
Thoppapati Post, Namagiripettai- Via
Rasipuram Taluk, Namakkal District.

... Petitioner

Vs.

1.The Joint Registrar of Co-operative Societies,
Namakkal, Namakkal District.

2.K.Sengalvarayan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Certiorari, to call for the records relating to the order of the first respondent dated 03.12.2015 in Revision Petition No.Na.Ka.5115/2015/Sa.Pa and quash the same.

For Petitioner : Mr.K.Selvaraj



W.P.No.1710 of 2016

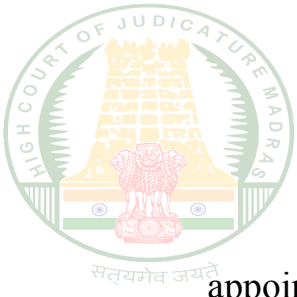
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For Respondents : Mr.M.Muthusamy
Government Advocate for R1
Mr.M.S.Palaniswamy for R2

ORDER

This Writ Petition has been filed challenging the order of the first respondent dated 03.12.2015 passed in Revision Petition No.Na.Ka.5115/2015/Sa.Pa.

2. The case of the petitioner is that the petitioner is a Co-operative Society registered under the Tamil Nadu Co-operative Societies Act, 1983. The second respondent was illegally appointed as Salesman by the then Board of Management against the provisions of the Tamil Nadu Co-operative Societies Act, 1983. He was not sponsored by the Employment Exchange and he was not duly appointed by the Society in accordance with the provisions of the said Act. Since his services were not satisfactory and he was involved in irregularity and misappropriation of Society funds, he was terminated by the Society on three occasions, (i.e.,) 03.03.2000, 14.10.2000 and 16.05.2007. Again, the then Board of Management



W.P.No.1710 of 2016

WEB COPY

appointed the second respondent as Salesman. Thereafter, the present Society assumed the Office and found that the appointment of the second respondent was illegal and passed an order of termination on 02.05.2015, against which, the second respondent has filed a revision petition before the first respondent under Section 153 of the said Act and the first respondent vide impugned order dated 03.12.2015 has set aside the order of termination and granted liberty to the petitioner to proceed with the disciplinary proceedings against the second respondent. Challenging the same, this Writ Petition has been filed.

3. Though very many grounds were raised on behalf of the petitioner, when the matter is taken up for hearing today, the learned counsel appearing for the petitioner submits that this Court, without expressing any opinion in the merits of the case, may grant liberty to the petitioner to proceed with the disciplinary proceedings pending against the second respondent in the manner known to law.



W.P.No.1710 of 2016

WEB COPY

4. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the first respondent and the learned counsel appearing for the second respondent.

5. In view of the limited request made by the learned counsel appearing for the petitioner, this Court, without interfering with the impugned order dated 03.12.2015, grants liberty to the petitioner to proceed with the disciplinary proceedings pending against the second respondent in the manner known to law.

6. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Connected miscellaneous petitions are closed.

19.03.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb



W.P.No.1710 of 2016

WEB COPY

To

The Joint Registrar of Co-operative Societies,
Namakkal, Namakkal District.



WEB COPY



W.P.No.1710 of 2016

M.DHANDAPANI,J.

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W.P.No.1710 of 2016

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