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W.P.Nos.37653, 19459 & 16317 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2025

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THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.Nos.37653, 19459 & 16317 of 2015

and

M.P.Nos.1, 1 & 1 of 2015

R.Loganathan ... Petitioner in W.P.Nos.37653 & 16317 of 2015

C.2466, Mittur Primary Agricultural,
Co-operative Credit Society Ltd.
Represented by its President
Vaniambadi Taluk Vellore District. .. Petitioner in W.P.No.19459 of 2015

Vs.

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

2.C.2466, Mittur Primary Agricultural
Co-operative Credit Society Ltd,
Rep by its President,
Vaniambadi Taluk,
Vellore District.

3.V.V.Baskar,
President,
C.2466, Mittur Primary Agricultural
Co-operative Credit Society Ltd,
Vaniambadi Taluk,
Vellore District. Respondents in W.P.Nos.37653 & 16317 of 2015



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1.The Registrar

Office of the Registrar Co-operative Societies
No.170, N.V.Natarajan Maaligai
E.V.R. Salai, Kilpauk,
Chennai – 600 010.

2.The Joint Registrar,

Office of the Joint Registrar,
Co-operative Societies
Vellore Region, Vellore District.

3.R.Loganathan

.... Respondents in W.P.No.19459 of 2015

Prayer in W.P.No.37653 of 2015 : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of certiorarified mandamus, calling for the records of the 1st respondent in Na.Ka.5898/2014 A2 revision petition No.13/2014 A2 dated 12.12.2014 quash the same and direct the respondents to pay the all arrears of salary and other benefits with interest at the rate of 12% per annum.

Prayer in W.P.No.16317 of 2015 : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the 2nd respondent to reinstate the petitioner in service as directed by the 1st respondent in Na.Ka.No.5898/2014 A2 Revision Petition No.13/2014 dated 12.12.2014 and pay the salary due to me from 11.11.2013 to 31.05.2015 with interest at the rate of 12% per annum.

Prayer in W.P.No.19459 of 2015 : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of certiorari, calling for the records pertaining to the impugned decision passed by the second respondent in its order No.Na.Ka 5898/2014 A-2 dated 12.12.2014 and to quash the same.



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In W.P.No.37653 of 2015:

For Petitioner : M/s.M.S.Palaniswamy
For R1 & R2 : Mr.M.Muthusamy
Government Advocate
For R3 : M/s.V.Srimathi

In W.P.No.16317 of 2015:

For Petitioner : M/s.M.S.Palaniswamy
For R1 & R2 : Mr.M.Muthusamy
Government Advocate
For R3 : No appearance.

In W.P.No.19459 of 2015:

For Petitioner : No appearance
For R1 & R2 : Mr.M.Muthusamy
Government Advocate
For R3 : M/s.M.S.Palaniswamy

COMMON ORDER

All these writ petitions are taken up for consideration together and are being disposed of by this common order.

2. There is no representation for the petitioner in W.P.No.19459 of 2015 yesterday (06.08.2025) as well as today (07.08.2025). In spite of the matter being listed under the caption for dismissal, there is no representation for the petitioner in W.P.No.19459 of 2015.



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3. Heard Mr.M.S.Palaniswamy, learned counsel for the petitioner and Mr.M.Muthusamy, learned Government Advocate for the respondents 1 & 2 in W.P.Nos.16317 & 37653 of 2015 and Ms.V.Srimathi, learned counsel for the 3rd respondent in W.P.No.37653 of 2015.

4. The petitioner in W.P.Nos.16317 of 2015 and 37653 of 2015 is one and the same. The parties are referred to, for the sake of convenience, by taking their status in W.P.No.37653 of 2015.

5. The brief facts that are relevant for disposal of these writ petitions are as under:

5.1. The petitioner herein, while working as Secretary in the 2nd respondent Society, he was placed under suspension on 11.11.2013 and disciplinary proceedings were initiated against him. After having concluded the said disciplinary proceedings, the petitioner was imposed with punishment of dismissal from service, by an order dated 28.06.2014 passed by the President of the 3rd respondent Society. Aggrieved by the said order, the petitioner filed a revision petition under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983 before the 1st respondent on various



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grounds including violation of principles of natural justice. The 1st respondent, having considered the said revision petition in elaborate and also taking into consideration the stand of the 2nd respondent Society, passed an order in proceedings bearing Na.Ka.No.5894/2014 A2 dated 12.12.2014 duly modifying the punishment of removal from service to that of cut in 3 increments without cumulative effect, and directing the 2nd respondent Society to reinstate the petitioner into service. However, the 2nd respondent Society has not chosen to implement the said order dated 12.12.2014.

5.2. At that stage, the petitioner approached this Court by filing W.P.No.16317 of 2015 seeking a direction to the 2nd respondent to reinstate the petitioner into service in terms of the order dated 12.12.2014 passed by the 1st respondent and to pay the salary of the petitioner from 11.11.2013 to 31.05.2015. During the pendency of the said writ petition, the 2nd respondent herein filed W.P.No.19459 of 2015 challenging the order dated 12.12.2014 on various grounds. This Court, while entertaining the said writ petition, passed an interim order dated 03.07.2015 granting interim stay of the operation of the order dated 12.12.2014 subject to the condition that the 2nd respondent Society either reinstate the petitioner herein in service in terms of the order dated 12.12.2014 or to pay last drawn wages till the disposal of the



said writ petition. However, the 2nd respondent, having obtained a conditional stay, failed to comply with the condition imposed by this Court.

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The said interim stay is still in operation as on date.

5.3. At that stage, the petitioner herein filed yet another writ petition, vide W.P.No.37653 of 2015 challenging the order dated 12.12.2014, contending that the said order cannot be sustained as the original order dated 28.06.2014 was passed in violation of principles of natural justice and no opportunity was afforded to the petitioner to defend himself and also on the ground that the entire enquiry proceedings were vitiated for want of payment of subsistence allowance for the period from November 2013 to June 2014. During the pendency of this writ petition, the petitioner has attained the age of superannuation on 30.09.2016.

6. The fate of W.P.No.16317 of 2015 would depend upon the result of the other two writ petitions in W.P.Nos.19459 & 37653 of 2015.

7. The validity of the order dated 12.12.2014 is under challenge in both the writ petitions. As seen from the impugned order dated 12.12.2014, the main ground on which the said revision petition filed by the petitioner is



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on the ground of not affording sufficient opportunity to the petitioner to defend himself before the enquiry officer. As seen from the material on record, it is noticed that though the petitioner has sought for furnishing of various documents, the same was denied by the 2nd respondent on the ground that the petitioner is fully aware of the said documents. In spite of raising such a specific contention in an elaborate way in revision petition filed by the petitioner before the 1st respondent, the 1st respondent failed to advert to all such contentions, but proceeded to pass a cryptic order simply modifying the punishment of dismissal from service to that of cut in 3 increments without cumulative effect. As the said order dated 12.12.2014 is once again non-speaking and cryptic in nature, the same is liable to be set aside at the instance of the petitioner herein. Insofar as the challenge to the said order at the instance of the 2nd respondent Society is concerned, the same cannot be accepted by this Court, as there is apparent violation of principles of natural justice in passing the original order dated 28.06.2014.

8. This Court, having come to the conclusion that the order passed by the 2nd respondent is cryptic in nature and suffers from non-consideration of various grounds raised by the petitioner, in normal course, would remand



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the matter back to the 2nd respondent on the ground of violation of principles of natural justice for reconsideration of the entire matter. But, taking into consideration the fact that the petitioner had already attained the age of superannuation as early as in the year 2016, this Court does not deem it appropriate to remand the matter back at this stage especially in the absence of any provision providing for continuation of disciplinary proceedings after the employer-employee relationship cease to exist.

9. In the facts and circumstances and in the light of the above discussion, this Court is not inclined to interfere with the impugned order dated 12.12.2014 though the said order is bereft of reasons. Further, the 2nd respondent Society, having obtained interim stay subject to certain conditions by order dated 03.07.2015, failed to comply with the said condition. Though the said order was also confirmed by learned Division Bench of this Court in W.A.No.1592 of 2015, the 2nd respondent Society, having obtained an interim order and having availed the benefit of interim order, failed to comply with the condition imposed by this Court. In view of the same, the W.P.No.19459 of 2015 is liable to be dismissed on this ground. In the circumstances, W.P.No.19459 of 2015 is dismissed.



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10. Consequently, considering the fact that the modified punishment that was imposed on the petitioner by order dated 12.12.2014 passed by the 1st respondent is also trivial in nature, this Court is not inclined to interfere with the same as this Court has not chosen to remand the matter back to the respondents for reconsideration. Accordingly, the W.P.No.37653 of 2015 also shall stand dismissed.

11. Then, coming to W.P.No.16317 of 2015 is concerned, the 2nd respondent is under obligation to comply with the order passed by the 1st respondent dated 12.12.2014, but failed to implement the same.

12. The learned counsel for the petitioner also brought to the notice of this Court that an order dated 11.12.2024 passed by learned Division Bench of this Court in W.A.No.3421 of 2024, wherein the learned Division Bench granted interest at the rate of 15% on the gratuity amount and 6% interest on leave salary and statutory interest on provident fund.



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13. So also, as seen from the material on record, the petitioner though was placed under suspension on 11.11.2013 and continued as such till June 2014, he was not paid subsistence allowance. Therefore, the 2nd respondent Society is also liable to pay the same to the petitioner. Accordingly, W.P.No.16317 of 2015 is allowed directing the 2nd respondent to treat the petitioner as if reinstated into service in terms of the order dated 12.12.2014 and pay him the entire salary till the date of his superannuation and settle all his terminal benefits together with interest at the applicable rate, as expeditiously as possible, at any rate, within a period of three (3) months from the date of receipt of a copy of this order.

14. Accordingly, W.P.Nos.19459 of 2015, 37653 of 2015 is dismissed and W.P.No.16317 of 2015 is allowed. No costs. Connected miscellaneous petitions, if any, shall stand closed.

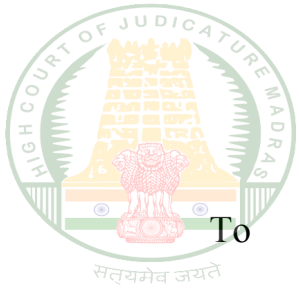
07.08.2025

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No



To

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Co-operative Societies,
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MUMMINENI SUDHEER KUMAR, J.

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