



W.P.No.8634 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2025

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.8634 of 2023

and

W.M.P.No.8812 of 2023

N. Nagarajan

.. Petitioner

Versus

1.The Joint Registrar of Co-operative Societies(FAC),
Office of the Joint Registrar of Co-operative,
Societies, Dharmapuri Circle, Collectorate Complex,
Dharmapuri.

2. The President,
S-8633, Periyanaahalli Primary
Agricultural Credit Society(Limited),
Periyanaahalli Post, Karimangalam Taluk,
Dharmapuri District.

3. Ponnusamy

...Respondents

Prayer: This petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 25.04.2017 of the second respondent and consequential order of the first respondent in



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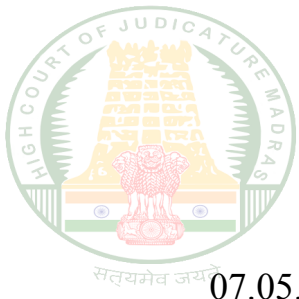
Na.KA.4552/2017 Sa.Pa. Dated 06.10.2022 and quash the same and consequently direct the respondents to pay all attendant benefits and retirement benefits to the petitioner herein and pass orders.

For Petitioner	: Mr.A. Ilayaperumal
For Respondent-1	: Mrs.M.Geetha Thamaraiselvan, Special Government Pleader
For Respondent-2	: M/s.P.Charushree

ORDER

This petition is filed to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 25.04.2017 of the second respondent and consequential order of the first respondent in Na.KA.4552/2017 Sa.Pa. Dated 06.10.2022 and quash the same and consequently direct the respondents to pay all attendant benefits and retirement benefits to the petitioner herein and pass orders.

2.The facts of the case is that the petitioner is a retired employee of the second respondent society. When he was in the post of Secretary second respondent passed a suspension order on 21.10.2014. Pursuant to which charges were framed against the petitioner in Na.Ka.No.1/2015 on

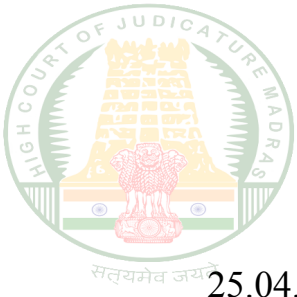


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07.05.2015. Hence, the petitioner filed a writ petition before this Court in W.P.No.40189 of 2016, wherein, a direction was issued to the respondents therein to furnish the copies sought for by the petitioner, however, the writ petition was dismissed on 26.07.2017, since the petitioner retired on 30.04.2017. When this being the case the respondents failed to continue the disciplinary proceedings by taking note of the fact that the entire amounts have been recovered by the 2nd respondent and no loss was caused to the said society. The sum and substance of the case is that when the suspension order issued by the second respondent is pending, issuing another suspension order to the petitioner on 25.04.2017 is illegal. It is pertinent to note that by the order dated 25.04.2017, the petitioner was permanently suspended from the services. Challenging the same the petitioner filed a Revision under Section 153 of Tamil Nadu Co-operative Societies Registration Act, 1983 before the first respondent and the same was rejected vide proceedings in Na.Ka.4552/2017 Sa.Pa. Dated 06.10.2022, which has given rise to this petition.

3. The learned counsel appearing for the petitioner submitted that the permanent suspension order issued by the second respondent on



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25.04.2027 cannot be sustained, due to the fact that without board resolution the president cannot pass an order of permanent suspension order. He further submitted that initially on 21.10.2014 the second respondent issued a suspension order and when the same was in existence till 25.04.2017, another suspension order passed by the second respondent on 25.04.2017 is illegal. Hence, prays to allow this petition.

4. The learned Special Government Pleader appearing for the respondents filed a counter affidavit wherein, it has been stated that there is a statutory remedy available to the petitioner by way of filing Review Petition under Section 154 of the Tamil Nadu Coop Societies Act, 1983 before the Joint Registrar of Coop Societies, Dharmapuri Region, Chennai-18/Review Authority u/s 154 of the Act, 1983/First Respondent or by way of filing Review Petition u/s 153 of the Act, 1983 before the Additional Chief Secretary to Government, Co-operation, Food and Consumer Protection Department, Fort St.George, Chennai -600 009. He further submitted that without availing the statutory remedy the petitioner has filed the present revision petition and the same is not maintainable. Hence, prays to dismiss this petition.



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5. Heard both sides and perused the materials available on record.

6. On a perusal of records, it is seen that there is alternate remedy available to the petitioner either to file a Review petition before the Joint Registrar of Co-operative Societies, Dharmapuri Region, Chennai – 18/Review Authority U/s 154 of the Ac,1983/ first respondent or by way of filing a Revision Petition U/s 153 of the Act, 1983 before the Additional Chief Secretary to Government, Co-operation, Food and Consumer Protection Department, Fort St.George, Chennai – 600 009.. Hence, the petitioner is directed to file either the Review petition or the Revision Petition before the concerned authorities within a period of three weeks from the date of receipt of a copy of this order. After filing the petition the authorities concerned should furnish copy of the documents, if any sought for by the petitioner and also provide an opportunity of personal hearing to the petitioner and complete the enquiry within a period of 90 days from the date of filing of the petition. Thereafter, the respondents are further directed to pass orders within a



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period of 30 days from the date of completion of the enquiry.

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7. With the aforesaid direction, this writ petition is disposed of. No order as to costs. Consequently, the connected miscellaneous petition is closed.

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Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
smn

To

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Societies, Dharmapuri Circle, Collectorate Complex,
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2. The President,
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V.BHAVANI SUBBAROYAN, J.

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