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W.P.No.12802 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 5/3/2025

C O R A M

The Hon'ble **Ms.JUSTICE V.BHAVANI SUBBAROYAN**

Writ Petition No.12802 of 2020

K. Mathialagan ... Petitioner

Vs

1. The Additional Registrar of Co-operative Societies
(Sales, Statutory and Development)
170 NCN Maligai, Kilpauk
Chennai 600 010.
2. The Joint Registrar of Cooperative Societies/
Chairman Common Cadre Committee
Cuddalore Region
Cuddalore.
3. E 2594 Vadakailasam Primary Agricultural
Co-operative Credit Society Limited
rep. By its Secretary
Kamaraj Nagar
Panruti 607 106.
Cuddalore District. ... Respondents.

PRAYER: Petition filed under Article 226 of the Constitution of India
praying for the issuance of a writ of certiorari to call for the records of the



W.P.No.12802 of 2020

WEB COPY

first respondent in his proceeding in Na.Ka.No.81624/2011 SaPa1 and quash the order dated 22/7/2019 filed against the order of dismissal from service passed by the second respondent in his Proceedings in Na.Ka.No.32003/2010 SaPa 1 dated 11/1/2010.

For petitioner	...	Mr.R.Rajesh
For respondents	...	Mr.S.Ravikumar Special Government Pleader for R.R.1 and 2
		Mr.S.Palanisamy for R.3

ORDER

This writ petition has been filed to quash the order dated 22/7/2019 passed by the first respondent in Na.Ka.No.81624/2011 SaPa1.

2. Brief facts which are necessary for the disposal of this writ petition are as follows:-

When the petitioner was working as a Secretary in the third respondent Society, charge memo dated 24/9/2004 was issued, levelling five charges against the petitioner and they are as follows:-



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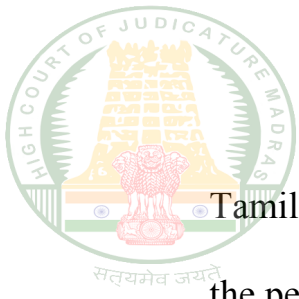


W.P.No.12802 of 2020

- (i). caused loss to the bank in advancing agricultural loans
- (ii). By not performing his duties and responsibilities as Bank Secretary
- (iii). Not behaved properly with the members of the Bank.
- (iv). Not behaved smoothly with other employees of the bank and
- (v). has disregarded and disobeyed the orders

An explanation was submitted by the petitioner on 11/12/2004. In the disciplinary enquiry conducted against the petitioner, the Enquiry Officer, found the petitioner guilty of charge Nos.(i), (ii) and (v) and submitted his report on 5/1/2008 to which an explanation was submitted by the petitioner on 2/3/2009. Not being satisfied with the explanation, the petitioner was dismissed by the second respondent on 11/1/2010.

3. Against the order of dismissal, petitioner had filed a Revision Petition, under Section 153 of the Tamil Nadu Cooperative Societies Act, 1983 and by an order dated 11/5/2011, first respondent had dismissed the Revision Petition. On a petition filed for review, under Section 154 of the



W.P.No.12802 of 2020

WEB COPY

Tamil Nadu Cooperative Societies Act, 1983, first respondent had allowed the petition. On 3/10/2012, the first respondent modified the punishment to one of reduction of pay to the minimum in the existing time scale for a period of five years. Being aggrieved, third respondent had filed a writ petition in W.P.No.17182 of 2013 before this Court and this Court had allowed the writ petition, setting aside the order of the first respondent and directed to decide the review petition, within a period of three months from the date of the said order. Against this, the petitioner had preferred an appeal in W.A.No.1680 of 2014 and by an order dated 17/11/2016, this Court had dismissed the said appeal.

4. Thereafter, the petitioner had made several representations to the first respondent. Since there was no response, the petitioner had filed W.P.No.24164 of 2018 to direct the first respondent to dispose of the review petition afresh, and as per the order of the Hon'ble Division Bench passed in W.A.No.1680 of 2014 and by order dated 22/7/2019, first respondent had dismissed the Review Petition. Being aggrieved, the petitioner has come forward with the instant writ petition, praying for the relief as stated therein.



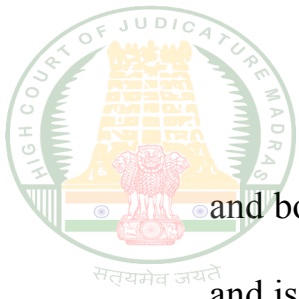
W.P.No.12802 of 2020

WEB COPY

5. Joint Registrar of Cooperative Societies, Cuddalore Region, Cuddalore, second respondent has filed a counter affidavit, wherein it is stated that based on the report of the Enquiry Officer, under Section 81 of the Tamil Nadu Cooperative Societies Act, surcharge action, disciplinary action and criminal action were initiated against the petitioner. Thus, the petitioner has no right to say that the charges against him were not serious ones.

6. Vadakailasam Primary Agriculture Co-op Credit Society Ltd., has filed a counter affidavit on behalf of the third respondent, wherein it is stated that in the Review Petition, the petitioner has canvassed the order passed by the first respondent under Section 153 of the Tamil Nadu Cooperative Societies Act, which is not maintainable. The scope of review is very limited, under Section 154 of the said Act and hence, he cannot canvass the order passed under Section 153 of the Act and reargue the case.

7. The learned counsel appearing for the respondents 1 and 2 would submit that if in a file, two separate orders were passed one after another



and both were contrary to each other, then only the second order takes effect and is sustainable in the eyes of law.

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8. The learned counsel appearing for the third respondent would submit that the main allegation of the petitioner is that the revision authority did not apply his mind, while passing the order and the dismissal of review petition is erroneous. But in the review order, first respondent has elaborately considered the grounds raised by the petitioner and thereafter, came to an independent conclusion that the petitioner has not raised any new ground .

9. Perused the materials available on record.

10. From a bare perusal of the order, it could be deduced that while dismissing the Review Petition, the first respondent has held that there is no error apparent on the face of the record and has not raised any sufficient reason to review the order. The petitioner has canvassed the order passed by the original authority as well as the revisional authority, which is not permissible under law and rightly dismissed the petition, on 22/7/2019.



W.P.No.12802 of 2020

WEB COPY

11. Moreover, the petitioner has not challenged the order of dismissal passed by the second respondent, which was confirmed by the first respondent and the petitioner has not raised any valid ground to interfere with the order of dismissal passed by the first respondent. The petitioner, without challenging the order of original authority, confirmed by the Revisional Authority has challenged only the review order, which is not maintainable. In such a view of the matter, this Court is not inclined to entertain the prayer sought for by the petitioner.

12. Accordingly, this writ petition is dismissed. No costs.

5/3/2025

mvs.

Index: Yes/No

Neutral Citation: Yes/No



W.P.No.12802 of 2020

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WEB COPY

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