



WP(MD)No.6171 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

**WP(MD)No.6171 of 2024 and
WMP(MD)Nos.5788 of 2024 and 231 of 2025**

Kasturi

...Petitioner

Vs

The Joint Registrar of Co-Operative Societies,
Virudhungan Region,
Virudhungan District.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of certiorari to call for the records pertaining to the impugned order passed by the respondent in his proceedings in Na.Ka.No.3758/2023/SP, dated 27.07.2023 and quash the same as illegal.

For Petitioner : Mr.C.Gangai Amaran

For Respondent : Mr.G.Vairam Santhosh,
Additional Government Pleader

ORDER

The petitioner is a sales woman of Enchar Primary Agricultural Co-Operative Society, who deals with the public distribution system.



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The petitioner was placed under suspension on 01.06.2022 pursuant to registration of a criminal case against her in Crime No.99 of 2022 by the CS-CID, Virudhunagar on 27.05.2022. The CS-CID, Virudhunagar from a lorry bearing registration No.TN 09 D 4068 has recovered 300 bags rice and found that this rice was meant for fair price shops of Enchar, Satchiyapuram No.1, Naranapuram Nos.1 and 2 for supply under public distribution system. Subsequently on 16.08.2022 she was issued with a charge memo. The domestic enquiry was conducted and based on the enquiry report the President of the society imposed a punishment of stoppage of increment for a period of one year with cumulative effect. However on the report of the Joint Registrar, the Registrar *suo motu* has taken revision under Section 153 of the Tamil Nadu Co-Operative Societies Act and has imposed punishment of termination from service by order dated 27.07.2023 and the same is impugned in this writ petition.

2.This Court while entertaining this writ petition has granted an order of interim stay on 14.03.2024. The respondents have filed an application to vacate the interim stay. On hearing the vacate stay application, by consent of both parties, this writ petition is taken up for final hearing and is disposed of by this order.



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3.The main contention of the petitioner is that as per Section 153 of Tamil Nadu Co-Operative Societies Act, this *suo motu* power can be invoked within a period of 90 days. However, this suo motu revision has been taken beyond the period of limitation and without even issuing notice to the petitioner. Therefore, the same is liable to be set aside.

4.The learned Additional Government Pleader appearing for the respondents submits that the petitioner / a sales woman has illegally transported rice meant for public distribution, which was recovered and a criminal case has been registered. Based on the report of the Inspector of Police, CS-CID, the petitioner was placed under suspension on 01.06.2022, charge memo was issued on 16.08.2022, enquiry officer submitted his report on 27.08.2022 and on 28.08.2022 the disciplinary authority has imposed the punishment of stoppage of increment for one year. Since the punishment imposed by the disciplinary authority was disproportionate to the gravity of the charges, the Registrar of the Co-Operative Society has *suo motu* taken revision under Section 153 of the Tamil Nadu Co-Operative Societies Act and issued notice to the petitioner on 25.05.2023. The petitioner appeared for enquiry on



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21.06.2023. She has also sought time and therefore, it was adjourned to

22.06.2023. The President as well as the petitioner have appeared before the Registrar for enquiry on 22.06.2023 and they sought for 10 days time for submitting their written explanation. The time was granted upto 04.07.2023 and both have appeared for enquiry on 04.07.2023 and submitted their written explanation. Thereafter the Registrar has passed an order imposing major punishment considering the gravity of delinquency and therefore, according to the learned Additional Government Pleader, for this suo motu revision power, invoked by the Registrar, there is no limitation prescribed and the petitioner was also provided with sufficient opportunity before passing major punishment.

5.This court has considered the rival submissions made and perused the materials placed on record.

6.The contention of the petitioner in this writ petition is that *suo motu* revision has been taken beyond the period of limitation. Section 153 of the Co-Operative Societies Act enables the Registrar of Co-Operative Societies to review any proceedings under the



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Co-Operative Societies Act, which can be appealed to the Tribunal as per the proviso to sub section 1 of Section 152 of the Act and as to the regularity or such proceedings, correctness of the proceedings and legality or propriety of any decision passed therein.

7.Proviso to Section 153 of the Act stipulates time line of 90 days from the date of on which proceedings, decision or order was communicated. This time prescribed under the proviso is only for the applications, if any made under Section 153 of the Act and it is not confined to the *suo motu* revision, which is exercised by the Registrar. In fact this court in similar writ petition in ***N.Palanisamy Vs State of Tamil Nadu [2012] 4 CTC 257*** has held that the time prescribed for making revision is only applicable for filing of application and it does not speak of *suo motu* revision. Sub Section 2 of Section 153 of the Act contemplates an enquiry before passing any order on the revision under Section 153 of the Act that there shall not be any prejudice to any person without opportunity to make his representation. In this case it appears that the criminal case was registered on 27.05.2022 by the CS-CID, Virudhunagar on illegal transportation of PDS rice, based on which, a



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charge memo was issued to the petitioner on 16.08.2022, domestic enquiry was conducted and it was concluded within a period of ten days and an enquiry report was submitted on 27.08.2022 based on which, minor punishment of stoppage of increment was imposed by the disciplinary authority on 28.08.2022. *Suo motu* revision was taken on 23.05.2023 under Section 153 of the Act and notice was issued to this petitioner for enquiry. Enquiry was conducted on 22.06.2023 and on 04.07.2023. The petitioner was provided with opportunity and she has also submitted her written explanation. This order was passed on 27.07.2023. Therefore, this court is not inclined to appreciate all these grounds raised by the petitioner.

8. Accordingly, this writ petition is dismissed. No costs. Consequently connected miscellaneous petition is closed.

02.12.2025

DSK



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To

The Joint Registrar of Co-Operative Societies,
Virudhungan Region,
Virudhungan District.



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B.PUGALENDHI.J.,

DSK

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