



1

W.A.(MD)NO.1368 OF 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R. POORNIMA

W.A.(MD)No.1368 of 2021

AND

C.M.P.(MD)No.5706 of 2021

S.Chelladurai,
Secretary (Under dismissal),
The Kunnathur Primary Agricultural
Co-operative Credit Society Ltd.,
No.Y-55 Varavilai Veedu,
Parthibapuram,
Pudukkadai Post,
Kanyakumari District.

... Appellant /2nd Respondent

Vs.

1. The Kunnathur Primary Agricultural
Co-operative Credit Society Ltd.,
No.Y-55 Co-operative Bank Road,
Puthukkadai – 629 171,
Kanyakumari District,
Rep.by its President.

... Respondent / Petitioner

2. The Joint Registrar of Co-operative Societies,
Nagercoil,
Kanyakumari District.

... 2nd Respondent /
1st Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to
set aside the order dated 03.03.2021 in W.P.(MD)No.19078 of 2015 on
the file of this Court and allow the writ petition as prayed for.



WEB COPY



For Appellant : Mr.Isaac Mohanlal,
Senior counsel,
for M/s.Isaac Chambers.

For R-1 : Mr.Jerin Mathew

For R-2 : Mr.M.Siddarthan,
Additional Government Pleader.

* * *

J U D G M E N T

(Judgment of the Court was delivered by G.R.SWAMINATHAN, J.)

Heard the learned Senior counsel appearing for the appellant and the learned counsel appearing for the writ petitioner /R1 and the learned Additional Government Pleader appearing for the second respondent.

2. Mr.S.Chelladurai, appellant herein was employed as Secretary of Kunnathur Primary Agricultural Co-operative Credit Society Ltd., Pudhukadai. He was dismissed from service by the management. Challenging the same, he filed revision under Section 153 of the Tamil Nadu Co-operative Societies Act before the Joint Registrar. The Joint Registrar vide order dated 03.09.2015 modified the punishment imposed on the appellant. Questioning the same, the management filed W.P.



(MD)No.19078 of 2015. The writ petition was allowed vide order dated 03.03.2021. Challenging the same, this writ appeal came to be filed.

3.It is brought to our notice that even before allowing the writ petition on 03.03.2021, Thiru.Rajendran, Joint Registrar of Co-operative Society who passed the order dated 03.09.2015 was summoned by the learned Single Judge and called upon to file an affidavit. In the affidavit filed in February 2021, he tendered unconditional apology. He admitted before this Court that the order dated 13.09.2015 passed by him was wrong. He was also directed to pay Rs.20,000/- towards cost.

4.In these circumstances, hearing of the writ petition that took place on 03.03.2021 can only be termed as a formality. Even before hearing the arguments, it had been concluded that the Joint Registrar had passed an erroneous order. That is why, even though he retired four years ago, he was summoned and made to pay a sum of Rs.20,000/-. It was virtually in the nature of fine. Thus, even before hearing the learned Senior Counsel for the employee, an adverse view had already been taken. It constitutes violation of principles of natural justice. In this view of the matter, the order of the learned Single Judge is set aside. This writ



appeal is allowed. However, we do not propose to remit the matter to the file of the learned single Judge. After hearing both sides on the merits, we felt that the Joint Registrar has to revisit the issue. While the learned Senior Counsel for the appellant would assert that no loss was caused to the Society, the learned counsel for the contesting respondent would assert that substantial loss was caused to the society. While the learned Senior Counsel for the employee would claim that no resolution was passed by the board for dismissing him, the learned counsel for the management would insist that the resolution is very much available in the record. These aspects have not been properly dealt with by the Joint Registrar. Since we do not want to prejudice the rights of both the parties by making observations, we refrain from going into the merits of the matter. The authority who passed the order had informed this Court that under pressure of time, he had passed a wrong order. We set aside the order impugned in the writ petition also.

5.The matter is remitted to the file of the Joint Registrar for fresh consideration. The Joint Registrar will hear the appellant in person and the Special Officer in-charge of the registered society. The Joint Registrar shall pass an appropriate order on merits and in accordance



with law within a period of eight weeks from the date of receipt of a copy of this order. All the contentions of both the parties are left open. The writ appeal is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (R. POORNIMA, J.)

27th January 2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU



WEB COPY



6

W.A.(MD)NO.1368 OF 2021

G.R.SWAMINATHAN,J.

AND

R.POORNIMA, J.

PMU

W.A.(MD)No.1368 of 2021

27.01.2025