



W.P.(MD).No.3911 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.06.2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.(MD).No.3911 of 2019
and
W.M.P.(MD).No.3040 of 2019

V.Sankaran,
(President, E.E.427, Singaneri Primary
Agricultural Cooperative Credit Society),
121, Mela Street,
Singaneri – 627108,
Nanguneri Taluk,
Tirunelveli District.

.. Petitioner

Vs.

1.The Registrar of Co-operative Societies,
No.170, E.V.R. Periyar High Road,
Kilpauk, Chennai - 600 010.

*(R-1 is deleted vide Court order dated
12.06.2025 in W.M.P.(MD).No.1259 of 2021 in
W.P.(MD).No.3911 of 2019)*

2.The Joint Registrar of Cooperative Societies,
Tirunelveli Region, Sarva Gnaniyar Street,
Convent Road, Palayamkottai,
Tirunelveli District.

3.The Deputy Registrar of Cooperative Societies,
Cheranmahadevi Circle,
18-B, Sannathi Street, Cheranmahadevi - 627414,
Ambasamudram Taluk,
Tirunelveli District.

.. Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari, to call for the records in pursuant of impugned order in Na.Ka.No.298/19 Tho.Ve.Sa. dated 30.01.2019 issued by the 2nd respondent and quash the same.

For Petitioner : Mr.D.Selvanayagam

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

The Writ Petition is filed challenging the communication of the second respondent in Na.Ka.No.298/19 Tho.Ve.Sa. Dated 30.01.2019, wherein, the Deputy Registrar has called for certain remarks from the writ petitioner herein regarding disciplinary action initiated against the Secretary of the Cooperative Society.

2. The impugned proceedings shows that the petitioner herein, while acting as a President of the Cooperative Society, namely, Singaneri Primary Agricultural Cooperative Credit Society, initiated disciplinary proceedings against the then Secretary, S.Appu. It also shows that the Deputy Registrar has called for remarks for the suspension ordered by the President for the purpose of placing the matter of the Secretary before the Disciplinary Action Review Committee. The letter further reads that this Committee has been formed for the



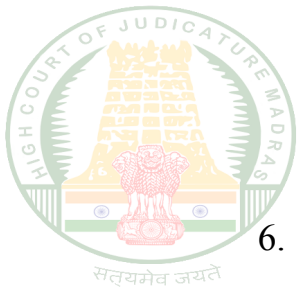
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purpose of protecting the interest of the employees and other persons involved
in the affairs of the Cooperative Society.

3. The learned counsel for the petitioner submits that the petitioner is protected under Section 136-D and other provisions of the Tamil Nadu Cooperative Societies Act. He is also entitled to take disciplinary proceedings against various persons including the then Secretary and for the purpose of victimizing the petitioner, the impugned proceedings have been issued. Hence, the same is liable to be set aside.

4. Per contra, the learned Additional Government Pleader appearing for the respondents submits that it is only a communication sent to the petitioner to give certain particulars and also to intimate that his action of suspending the Secretary is not proper and the proper authority to decide the suspension or any disciplinary proceedings is the Disciplinary Action Review Committee. The petitioner can send the reply stating all his defences including the immunity as claimed by him and at this stage, quashing this letter is not necessary.

5. I have considered the submissions made on both sides and perused the materials available on record.



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6. On careful perusal of the impugned proceedings, it is categorically stated that if any employee is suspended or any disciplinary proceedings were initiated, the same shall be subjected to the Disciplinary Action Review Committee of the particular District so as to safeguard the interest of the employee and to prevent victimization. In this case, the petitioner herein, while serving as a President, has suspended the Secretary of the Society. The impugned proceedings shows that as per the letter issued by the Registrar dated 09.02.2018, all the disciplinary actions taken against the employees shall be placed before the Disciplinary Action Review Committee. Under the said circumstances, calling upon the petitioner to furnish all the details including the remarks regarding the petitioner's action for suspending the Secretary, is well within the powers of the Deputy Registrar and this impugned communication is also issued only for the purpose of placing the matter before the Disciplinary Action Review Committee. Though, in the letter, it has been stated that the actions of the petitioner is somehow invalid, the Deputy Registrar is asking him to submit a report for the purpose of placing the matter before the Committee and also for further proceedings.

7. The petitioner herein, without submitting his explanation or claiming any immunity from answering, if available, has approached this Court and this



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Court is of the view that the same is premature and the Writ Petition is not maintainable at this stage.

8. Accordingly, the Writ Petition stands dismissed with liberty to the petitioner to submit his explanation as demanded in the impugned proceedings. It is also stated before this Court that the tenure of the President is over and he need not answer for this issue. This point may also be considered by the Deputy Registrar and if necessary, he is permitted to issue fresh proceedings in this regard. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

19.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

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Convent Road, Palayamkottai,
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K.RAJASEKAR,J.

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