



WP.(MD)No.15368 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.12.2025

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

WP.(MD)No.15368 of 2023

S.Sathiyavel Murugan

... Petitioner

Vs.

1.The Joint Registrar of Co-operative Societies,
1st Floor, Anna Clinic,
T.R.Naidu Salai, West Great Cooton Road,
Thoothukudi-2.

2.The Deputy Registrar of Co-operative Societies,
Trichendur Range, Thoothukudi District.

3.The President,
Arumuganeri Salt Worker's Co-operative
Production & Sales Society,
Arumuganeri, Thoothukudi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the respondents to permit the petitioner to join in duty and pay all monetary benefit in terms of the order of the first respondent dated 23.02.2023 forthwith.



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For Petitioner : Mr.S.Kumar

For Respondents : Mr.C.Venkatesh Kumar,
Special Government Pleader.

ORDER

The petitioner is working as an Oil Engine Mechanic in the third respondent Society. He has filed this writ petition seeking writ of Mandamus directing the respondent to permit him to join duty and to pay all monetary benefits in terms of the order passed by the first respondent dated 23.02.2023.

2.The learned counsel for the petitioner submits that on 30.05.1991, the petitioner was selected and appointed as Oil Engine Mechanic in the third respondent Society based on the sponsorship from District Employment Exchange, Thoothukudi. One. Thiru Ponraj, a relative of the then President of the third respondent Society, was working as Oil Engine Mechanic from 1998 and he is junior to the petitioner. The then President of the



third respondent had taken a decision to depute the petitioner to

some other Society in order to facilitate the promotion of Thiru.

Ponraj, as he considered the petitioner's seniority as a barrier for his promotion. By a notice dated 08.07.2021, the third respondent sought for a reply from the petitioner to depute him. On 12.07.2021, the petitioner submitted his reply alleging malafidness and personal bias against the President. From 02.08.2021 onwards, the petitioner was not allowed to sign in the attendance register. On 04.08.2021, the petitioner submitted a representation to the second respondent complaining about the act of the President. The second respondent appointed a Co-operative Sub Registrar to enquire into complaint of the petitioner. The enquiry officer found the allegation of the petitioner as true and after bringing it to the notice of the second respondent, he instructed the Manager of the third respondent Society to maintain a separate attendance register and asked the petitioner to sign on it. From 02.08.2021 onwards, the writ petitioner signed in the attendance register.



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3.While so, on 17.09.2021, then President issued a charge memo that the petitioner did not sign in the attendance register and neglected to perform the duties and responsibilities. On 21.09.2021, the petitioner brought it to the notice of the second respondent. On 23.09.2021, the petitioner submitted his reply to the charge memo and pleaded about the signing of attendance register as per the direction of the Co-operative Sub-Register. On 06.10.2021, the petitioner was placed under suspension and was directed to handed over the charge to Thiru.Ponraj. Thereafter, the petitioner has filed W.P(MD)No. 21097 of 2021 before this Court challenging the charge memo as well as suspension in and this Court by its order dated 02.12.2021 has granted interim stay considering the malafidness on the part of the President. On 14.03.2022, this Court disposed the said writ petition by directing the petitioner to file a revision application before the first respondent under Section 153 of Tamil Nadu Co-operative Societies Act. Accordingly, the petitioner has filed a revision



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petition in Revision No. 6 of 2022 before the first respondent. By an order dated 23.02.2023, the first respondent allowed the revision petition, thereby, set aside the Charge memo as well as suspension and directed the third respondent to give continuity of service with monetary benefit with effect from 07.10.2021. According to the learned counsel, even after order of the first respondent and written request, the third respondent did not allow the petitioner to join duty. Therefore, the petitioner has filed the present petition.

4.The learned counsel also submits that after the tenure of the then President came to end, the Administrator has taken charge over the third respondent society. On 19.08.2023, the Administrator of the third respondent society passed a resolution permitting the petitioner to join duty but, arrears of salary will be settled after withdrawing the pending writ petition. The petitioner has joined duty on 24.08.2023 but, till date arrears of salary was not settled.



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5.The learned Special Government Pleader seeks short accommodation to get instructions from the respondents.

6.This writ petition has been filed seeking writ of Mandamus based on the orders passed by the first respondent under Section 153 of the Tamil Nadu Co-operative Societies Act dated 23.02.2023. This Court has already ordered notice to the respondents, on 28.06.2023. The respondents are not prepared to even file any reply to this writ petition.

7.In view of the above, this writ petition is allowed with a direction to the third respondent to pay arrears of salary due to the petitioner as ordered by the first respondent, vide order dated 23.02.2023. No costs.

04.12.2025

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