



WP(MD) No.20886 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Special Original Jurisdiction)

Monday, the Second day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice R.VIJAYAKUMAR

**WP(MD) No.20886 of 2024
and
WMP(MD) No.17694 of 2024**

VIJAYAKUMAR. K

... Petitioner

Vs

**1 THE JOINT REGISTRAR OF COOPERATIVE SOCIETIES /
COMMON CADRE AUTHORITY,
O/O. THE JOINT REGISTRAR OF COOPERATIVE SOCIETIES,
TENKASI.**

**2 THE DEPUTY REGISTRAR OF COOPERATIVE SOCIETIES,
O/O. THE DEPUTY REGISTRAR OF COOPERATIVE SOCIETIES,
TENKASI CIRCLE,
TENKASI DISTRICT.**

**3 THE ADMINISTRATOR
THILI.THANI.115, NAGARAM PRIMARY
AGRICULTURAL CO-OPERATIVE CREDIT SOCIETY,
THALAIVANKOTTAL,
KADAYANALLUR TALUK,
TENKASI DISTRICT.**



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4 THE ADMINISTRATOR

EE/.255, RAMASAMIYAPURAM PRIMARY
AGRICULTURAL CO-OPERATIVE SOCIETY SOCIETY,
MUTHUSAMIYAPURAM,
KADAYANALLUR TALUK,
TENKASI DISTRICT.

... Respondents

Writ Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed in Na.Ka.3/2022/Tho.Ve.Sa dated 22.08.2024 by the 1st respondent and quash the same and consequently directing the respondents to reinstate the petitioner in service.

Prayer in WMP(MD). 17694/ 2024 :

to stay the operation of the impugned order passed in Na.Ka.3/2022/Tho.Ve.Sa dated 22.08.2024 by the 1st respondent pending disposal of the above writ petition and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of this case and thus render justice.

ORDER : This writ petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s.D.SHANMUGARAJA SETHUPATHI, Advocate for the petitioner and of Mr.S.SHAJI BINO, Special Government Pleader on behalf of the Respondent Nos.1 and 2, the Court made the following order:-

The instant writ petition has been filed by the Secretary(i/c) of the Nagaram Primary Agricultural Cooperative Credit Society, challenging the order of suspension issued by the Joint Registrar of the Cooperative Societies/Common Cadre Authority on 22.08.2024.

2.According to the learned Counsel appearing for the writ petitioner, as per Rule 38 of the Tamil Nadu Primary Agricultural Co-operative Credit Societies



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Common Cadre Service Rules, 2019, only the common cadre authority can initiate disciplinary action as against a common cadre employee. In the present case, after a period of three years from 12.02.2019, the Joint Registrar of the Co-operative Societies is not a competent authority to initiate disciplinary proceedings in his individual capacity. From the fourth year onwards, a committee consisting of four officials would constitute a committee called as common cadre authority which will be chaired by the Joint Registrar of the Co-operative Societies.

3.A perusal of the impugned order reveals that the impugned order has been passed by the Joint Registrar of the Co-operative Societies in his individual capacity and not by the common cadre committee.

4.The petitioner has made out a prima facie case. There shall be an order of interim stay.

5.Notice of motion returnable in six weeks. Private notice is also permitted.

6.Post the matter after six weeks.

sd/-
02/09/2024

/ TRUE COPY /

/09/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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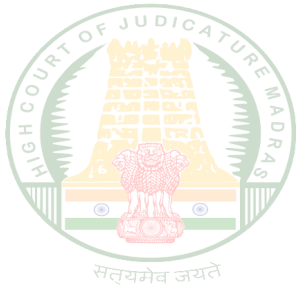
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+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-10712[I] dated
02/09/2024)

ORDER
IN
WP(MD) No.20886 of 2024
and
WMP(MD) No.17694 of 2024
Date :02/09/2024



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ED/ JGB /SAR- (07/09/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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