

(69)

Before the Registrar of Cooperative Societies, Co-operative Department Puducherry
Revision Petition No.1/2022

Present: Thiru. L.MOHAMED MANSOOR
Registrar of Cooperative Societies.

S.Muthamizhselvi
W/o. Sankar.G,
12, 1st Street,
Pavazha Nagar, Puducherry – 605 005

>>>> Petitioner

Vs

The President,
Reddiarpalayam Primary Agricultural
Coop. Credit Society Ltd., No.P.35
Reddiarpalayam & P.O, Puducherry- 605010

>>>> Respondent

ORDER

(Issued under Section 141 of the Puducherry Cooperative Societies Act, 1972 read with Rule 104 of the Puducherry Cooperative Societies Rules, 1973)

1. Whereas, the above named petitioner is an employee of the respondent society, filed a Writ petition No.17569/2020 before the Hon'ble High Court of Madras, wherein the undersigned was arrayed as Fourth Respondent (R4) and the respondent society as Ninth Respondent (R9). The petitioner submitted before the Hon'ble court about her case and prayed :-

- (a) To direct the **fourth respondent** to consider the petition dated 26.08.2020 submitted before him.
- (b) To cancel the order of suspension dated 21.08.2020 issued by the ninth respondent, and
- (c) To reinstatement her in the service of the society on the basis of the representation dated 26.10.2020.

2. **And Whereas**, on hearing the Writ Petition, the Hon'ble High court passed an order on 22.02.2022 and disposed of the Writ petition.

“ 3. In view of the above submission, this Court directs the fourth respondent to consider the revision petition dated 26.08.2020, filed by the petitioner and pass orders on merits and in accordance with law, as expeditiously as possible, within a period of twelve weeks from the date of receipt of a copy of this order “

3. **And Whereas**, a copy of the Order was sent by the petitioner counsel vide letter dated 14.03.2022 and Whereas, the Original copy of the Order was received by this office on 22.04.2022 from the Hon'ble High court Madras. As per the order of the Hon'ble High Court, in order to consider the revision petition dated 26-08-2020, filed by the petitioner and pass orders on merits, in accordance with the law, a personal hearing of both the parties was fixed on 18.05.2022, at 4.30 P.M in the Chamber of the Registrar of Cooperative Societies and proper notice was served to both the parties on 17.05.2022.

4. **And Whereas**, both the parties of the revision petition were present and made their respective submissions in respect of the representation dated 26.08.2020, which was construed and taken as revision petition based on the orders of the Hon'ble High Court of Madras.

5. **And Whereas**, based on the submissions, made before this authority by both parties on this revision petition, filed by the petitioner, and on perusal of the records available on hand, the following are observed by this authority.

A. The revision petitioner is a consolidated employee of the respondent society.

B. The respondent society is the employer for the petitioner and the President of the society is the appointing authority for the petitioner as per the Rules and Regulations approved and maintained by the society.

C. As per the duly approved subsidiary regulations governing the service condition of the employees of the society, the President of the society is the Disciplinary Authority for the employees working in

the society and as such, in respect of the Petitioner, the disciplinary authority is the President of the society.

D. It is for the disciplinary authority of the society to suspend any employee of the society, initiate necessary disciplinary action against the employee working in the society for the irregularities committed by them if any, including misconduct etc enumerated in the rules and regulations. Further, since the President of the society is the disciplinary authority for the employees working in the society, it is for the President to give punishment for any offence committed by the employee, if it is proved during the enquiry. Accordingly, the President of the society is the disciplinary authority for the revision petitioner herein and therefore the President of the society (R9), is the appropriate authority to take action against the petitioner working in the society and suspend her for any offence and initiate disciplinary action and arrange to conduct the enquiry and give punishment etc (or) to revoke the suspension..

E. If the employee is aggrieved of any order of the disciplinary authority of the society, the employee can prefer an appeal before the committee of Management of the society based on the order of the disciplinary authority. The petitioner has also got an effective, efficacious, alternate remedy of appeal before the committee of management of the society as per the subsidiary regulations governing the service conditions of the employees of the society.

F. The prayer of the petitioner found in her revision petition dated 26.08.2020 is only a limited prayer that to pass orders " **to revoke her suspension and to reinstate her into service** ".

6. **And Whereas**, in view of the reasons stated above and on perusal of the revision petition dated 26.08.2022 and during personal hearing of both the parties held on 18th May 2022, it is observed that the petitioner did not put forth any valid acceptable reason in respect of her prayer and not cited any rules and regulations which have been violated by the disciplinary authority, and why the suspension should be revoked by this authority and why orders should be passed by this authority to reinstate her into the service of the society and under which powers etc. It is also observed that she is appointed by the respondent society and the undersigned not being her disciplinary authority, her suspension could not be revoked by this Authority, since an enquiry is under progress related to the suspension of the petitioner, which is submitted by the respondent society during the hearing.

7. **Now, therefore**, this authority is of the opinion that the revision petition filed by the petitioner is devoid of merits, and the same is filed without valid grounds and reasons to revoke the suspension order and to reinstate her. The petitioner is at liberty to file a petition before the disciplinary authority or competent authority, to seek her legal remedy. However, A copy of the revision petition dated 26.08.2020, filed by the petitioner before this authority is forwarded to the President of the respondent society for information. Further, it is also directed that if any representation filed by the petitioner, based on this order, the representation may be **considered and pass necessary orders or arrange to pass necessary orders by the committee of management, on merits and in accordance with law.**

Dated at Puducherry on the 18th day of May, 2022


(L.MOHAMED MANSOOR)
Registrar of Cooperative Societies

To:

1. The Revision Petitioner.
2. The Respondent,
- ✓ 3. The Web Editor, Cooperative Dept., Puducherry.
4. Stock File 2022.