

**(2002) 06 MAD CK 0150**

**In the Madras High Court**

**Case No :** Writ Petition No"s. 19483 and 19484 of 2002 and W.M.P. No"s. 26894 and 26895 of 2002

R. Karunakaran and G. Jayakumar

APPELLANT

Vs

The Ussoor Co-operative Primary Co-operative Bank, Vellore

RESPONDENT

---

**Date of Decision :** 07-06-2002

**Acts Referred:**

Constitution of India, 1950 — Article 226

**Citation :** (2002) 06 MAD CK 0150

**Hon'ble Judges :** V. Kanagaraj, J

**Bench :** Single Bench

**Advocate :** M. Venkatachalamoorthy, for the Appellant; M.S. Palanisamy, for the Respondent

**Final Decision :** Dismissed

---

## **Judgement**

V. Kanagaraj, J.—Writ petitions praying to issue a writ of Certiorari to call for the entire records pertaining to the Second Respondent in

Roc No. 5084/02/A2 dated 4-6-2002 and order of the 1st respondent dated 31.5.2002 and quash the same.

2. In the affidavits filed in support of these writ petitions the petitioners would plead that the petitioner in WP No. 19483 of 2002 was working as

a Secretary and the petitioner in WP No. 19484 of 2002 was working as a Cashier in the 1st respondent Society; that the first respondent gave a

complaint before the C.C.I.W., Vellore stating that a sum of Rs.1,00,000/- was deposited in the name of minor Senthilkumar and the petitioners

helped to withdrawn the said amount by one Pattabiram; that the said Pattabiram purchased lands in the name of the minor; that the matter has

been settled between the minor Senthilkumar and Pattabiram, grandfather of

Senthilkumar; that the complaint preferred before the police was withdrawn; that the first respondent without enquiry suspended the petitioners from 1.6.2002; that the first respondent has no jurisdiction to suspend the petitioners; that the appeal preferred by the petitioners before the 2nd respondent has been rejected without considering the merits of the case; that the petitioners have not handed over the charges and they are still in service. Hence these two writ petitioners would pray to the reliefs extracted supra.

3. So far as the Order dated 4.6.2002 passed by the second respondent is concerned, it is an order passed on a revision filed by both the petitioners before the Joint Registrar of Co-operative Societies, Vellore in which the said authority has stated that no rule or by-law provides for filing a revision petition of that sort u/s 153 of Tamil Nadu Co-operative societies Act and therefore, he has dismissed the same as not maintainable.

4. So far as the order dated 31-5-2002 passed by the first respondent is concerned, it is well stated therein that the petitioners in both the above writ petitions have been causing hindrance to the case registered by the crime Police on certain irregularities alleged to have been committed on the part of the petitioners in the Ussoor Co-operative Primary Co-operative Bank as Secretary and Cashier and therefore, on such reasons, the suspension has been resorted to. Even though, the learned Senior Counsel appearing on behalf of the petitioners would try to convince the Court, no malafide intention on the part of the authority who suspended the petitioners has been either clearly brought forth or established. Moreover, suspension is not a punishment and can be resorted to under certain circumstances, either in the interest of the institution or in the public interest. Since the suspension of these petitioners has been resorted to on definite grounds of allegations of their interference into the criminal cases registered against them which is being investigated into by the Crime Police, Vellore, this Court is of the view that the interference of this Court sought to be made into the suspension of these petitioners is neither warranted nor necessary in the circumstances of the cases.

5. So far as the other reliefs sought for regarding the rejection of the revision petition of the petitioners by the second respondent as per his order

dated 4.06.2002 is concerned, the learned Senior Counsel would point out that Section 153 of the Tamil Nadu Co-operative Societies Act

provides enormous powers to entertain the revision to examine any proceeding in this Act or the rules or the bye-laws as to the regulatory,

correctness, legality, or propriety of any decision passed or order made and any such decision or order could be modified, annulled, reversed or

remitted for reconsideration.

6. Though the Registrar is clothed with such sweeping discretionary powers, the exercise of the same is at his volition and not mandatory meaning

thereby that he could also refuse to entertain the application if in his considered opinion, the Registrar feels that it is not subject that could be

entertained on revision. In short the petitioner cannot claim it as of right that the Registrar should take up the matter on revision and pass an order.

7. Moreover, against an order of suspension, Act does not provide any regular appeal or revision and the very fact that no specific provision is

provided for would reveal that a suspension order is not an appealable order. No mention need be necessary that no revision could lie much less

before the Registrar. Therefore, it is not incumbent on the part of the Registrar to entertain an application of that nature as it had been filed on the

part of the petitioner in the form of a revision petition as it had been resorted to with the Joint Registrar of Co-operative Societies in the case in

hand.

8. The second respondent is perfectly right in rejecting the application filed in the name of revision petition by the petitioner as not maintainable

before him on ground that the suspension order passed by the first respondent Co-operative Bank is not a proceeding under the TNCS Act or

Rules or bye-laws for filing a revision.

9. No other valid or tangible reason exists to cause interference into the orders of the second respondent which is impugned herein and to quash

the same and hence the only the conclusion that could be arrived at in the circumstances of the case is to dismiss the above writ petitions as bereft

of merit.