

**BEFORE THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
PUDUCHERRY.**

R.P. No.7/2014

Present : **Thiru T. KARIKALAN,**
Registrar of Co-operative Societies
Puducherry.

J. Gnanasekaran
S/o. Jayaraman
No.11, Muthallamman Koil Street
Pavazha Nagar
Puducherry – 605 005.

.. Petitioner

Vs.

The Managing Director
Pondicherry Co-operative Spinning
Mills Ltd., No. P. 396,
Pondicherry-Villupuram National Highway
Thiruvandarkoil P.O., Thirubuvanai
Puducherry – 605 102.

.. Respondent

ORDER

(Issued under Section 141 of the Puducherry Co-operative Societies Act)

Animadverting upon the order No. PCSM/044/92 dated 19th August 2013 of the respondent, dismissing the petitioner from service on the strength of the standing order Nos. 21(1)(f) and 21(4), this revision petition is filed under Section 141 of the Puducherry Co-operative Societies Act, 1972.

THE TUSSLE

2. The portrayal of the case of the petitioner, quintessentially and precisely as stood exposted from the records would run thus:

2.1 The petitioner is an employee of the Pondicherry Co-operative Spinning Mills Ltd., No. P. 396 (for brevity the 'Mills') with E.I.D. No.044 as doffer in simplex division. On 25th March 2013 while working in third shift in Unit I, he was directed by the maistry to perform a duty assigned to Unit II. He refused to perform the duty stating that it was not his job. When the shift supervisor



gave similar instruction, he gave a similar reply. Thiru A. Thillaivillalan, E.I.D. No.610 also refused to carry out the work.

2.2 The maistry reported the matter to the Managing Director, vide his letter 25th March 2013. Both the employees were placed under suspension with effect from 26th March 2013.

2.3 Thiru Thillaivillalan, in his letter dated 27th March 2013, stated that when the maistry and supervisor directed him to perform a duty, the petitioner threatened him not to do the duty and hence both of them did not perform the duty. Realizing that he was at fault, he expressed regret and requested that he may be reinstated in service. He assured that he would not commit such mistakes in future. Based on his letter, Thiru Thillaivillalan was reinstated with effect from 28th March 2013. He was informed that during the period of suspension he was not entitled for any salary.

2.4 For refusal to carry out the instruction, the petitioner was issued with a charge sheet dated 29th March 2013. He was directed to show cause why disciplinary action should not be initiated for the misconduct committed by him under standing instructions Nos. 19(7), 19(8), 19(9) and 19(13).

2.5 Refuting the charges, the petitioner gave his explanation on 2nd April 2013. Having found his explanation not satisfactory, a disciplinary enquiry was initiated and Thiru T.S. Suresh, Advocate was appointed as enquiry officer. Before the enquiry officer, the petitioner sought to permit to examine the maistry, co-worker and the administrative manager. By his report dated 16th July 2013, the enquiry officer found the charges proved and recommended maximum punishment for the misconduct committed by the petitioner.

2.6 Forwarding the enquiry report to the petitioner, the respondent by his show-cause notice dated 23rd July 2013 directed the petitioner as to why he should be dismissed from service. Faulting the enquiry report, the petitioner denied the charges and sought to withdraw the show-cause notice and give him the job back with all monetary benefits. This representation was found unsatisfactory to the respondent. Narrating the misconducts committed by him in the past, the respondent passed the impugned order of dismissal against the petitioner with effect from 19th August 2013.

3. The grounds on which the petitioner made an inroad are:



