

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.28011 of 2015
and M.P.No.1 of 2015

B.Kandasamy

... Petitioner

-Vs-

1.The Joint Registrar of Co-operative
Societies,
Villupuram District.

2.The Deputy Registrar of Co-operative
Societies,
Tindivanam Circle, Jayapuram,
Tindivanam, Villupuram District.

3.The Domestic Enquiry Officer,
Nolambur Primary Agricultural
Co-operative Credit Society,
Nolambur and Post, Tindivanam Taluk,
Villupuram District.

4.The President,
Nolambur Primary Agricultural
Co-operative Credit Society,
Nolambur and Post, Tindivanam Taluk,
Villupuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent and fourth respondent to furnish the 38 documents sought for by the petitioner as per his representation dated 08.07.2015 and 20.01.2015.

For Petitioner : Mr.R.Karunagaran

For Respondents: Mr.L.P.Shanmugasundaram,
Special Government Pleader

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner, while working as a Secretary of Nolambur Primary Agricultural Co-operative Credit Society, Tindivanam Taluk, Villupuram District, was placed under suspension on 07.08.2014 for the alleged misappropriation of funds of the said society. The petitioner would further state that simultaneously, the respondent has conducted an enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 and filed a report dated 26.05.2014, and on the basis of the said report, the petitioner was issued with the charge memo dated 12.01.2015 and along with the charge memo, very many entires made in the relevant Register have also been communicated and now the grievance expressed by the petitioner is that copies have not been furnished to him. The petitioner, after receipt of the charge memo, had submitted a representation dated 20.01.2015 praying for furnishing certain documents so as to enable him to file his reply. It was followed by a reminder dated 30.01.2015. The 4th respondent, in response to the same, has called upon the petitioner to come and peruse the document and note down the contents of the same, vide his reply dated 02.03.2015 and according to the 4th respondent Management, the petitioner did not respond. Therefore, date of enquiry was fixed on 15.07.2015. The petitioner thereafter, submitted one more representation dated 07.08.2015, reiterating the same stand and since no response is forthcoming, the petitioner came forward to file this writ petition.

3. Heard the submissions of Mr.R.Karunagaran, learned counsel appearing for the petitioner and Mr.L.P.Shanmugasundaram, learned Special Government Pleader, who accepts notice on behalf of the respondents.

4. The learned Special Government Pleader appearing for the respondents would submit that in spite of the notice dated 02.03.2015 sent to the petitioner calling upon him to peruse the document, he did not respond and left with any other option, the 4th respondent Management is proceeding with the enquiry.

5. This Court has considered the rival submissions and perused the materials placed on record.

6. Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the same, directs the petitioner to appear before the 4th respondent as well as the Enquiry Officer and peruse the documents, which have been referred to in the charge sheet, within a period of two weeks from the date of receipt of a copy of this order and if the petitioner requires any of those documents, copies of the same shall be furnished to him, within a period of three weeks thereafter and the petitioner on perusal of the same, is directed to submit his written statement or defence within a period of two weeks thereafter and participate in the enquiry. At the time of defence, if the petitioner wants to submit any defence documents in connection and relevant to the allegations levelled against him, he can file a memo before the Enquiry Officer, who, on receipt of the same, is directed to consider the same and pass orders on merits and in accordance with law, as expeditiously as possible and till then, the enquiry officer shall defer further proceedings.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

vsm

To

1.The Joint Registrar of Co-operative
Societies,
Villupuram District.

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Societies,
Tindivanam Circle, Jayapuram,
Tindivanam, Villupuram District.

3.The Domestic Enquiry Officer,
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Nolambur Primary Agricultural
Co-operative Credit Soceity,
Nolambur and Post, Tindivanam Taluk,
Villupuram District.

+1cc to Mr.R. Karunagrarn, Advocate, S.R.No.48584
+1cc to Mr.L.P.Shamugasundaram, Advocate, S.R.No.48872
+1cc to the Government Pleader, S.R.No.48602

BVR(CO)
EU 29.09.15

W.P.NO.28011 of 2015



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