

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-09-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.28392 of 2015

and

M.P.No.1 of 2015

1.P.Radhakrishnan

2.R.Kannan

3.P.Murugadoss

.. Petitioners

vs

The Deputy Registrar of
Cooperative Societies
Ariyalur Circle
O/o. Collectorate Campus
Ariyalur, Ariyalur District

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the entire records relating to the impugned order passed by the respondent in his proceedings Na.Ka.662/2015/Sa.Pa. Dated 28.8.2015, and quashing the same insofar as the petitioners are concerned and consequently, directing the respondent to furnish the copy of the enquiry report under Section 81 to the petitioners.

For Petitioners : Mr.C.Prakasam
For Respondent : Mrs.T.P.Savitha
Government Advocate

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The deponent of the affidavit, who is the first petitioner, would state that he is working as a Field Manager in the District Central Cooperative Bank, Trichy at Ariyalur Region; the second petitioner is working as an Assistant in the District Central Cooperative Bank at Jayankondam Branch and the third petitioner is working as a Cashier in the District Central Cooperative Bank at Andimadam Branch and some irregularities were committed by one Thiru K.Balu, who was working as an Appraiser, and though the petitioners have no role to play, enquiry was initiated under Section 87(1) of the Tamil Nadu Cooperative Societies Act, 1983, and the respondent came to the conclusion that a loss to the tune of Rs.8,14,300/- has occurred and therefore, issued a show cause notice to the petitioners calling upon their explanation as to why the said sum along with interest of Rs.1,57,095/- should not be collected from them and challenging the legality of the same, the present writ petition is filed.

3.The learned Counsel appearing for the petitioner, would submit that since the enquiry report dated 31.3.2015 and 21.5.2015, submitted by the Enquiry Officer, has not been furnished, the petitioners are not in a position to offer their proper and effective explanation to the said notice and would further submit that the petitioners are in no way responsible; but, the Appraiser alone was responsible and prays for quashing of the impugned notice.

4.The Court heard the submissions of Mrs.T.P.Savitha, learned Government Advocate, who accepted notice on behalf of the respondent, also.

5.Though the petitioner prayed for a larger relief, this Court, in the light of the facts and circumstances, is not inclined to quash the notice and is of the view that it would suffice to direct the respondent to furnish a copy of the Enquiry Officer's report dated 31.3.2015 and 21.5.2015, to the petitioners within a stipulated time with liberty to them to submit their response and thereafter, to pass appropriate orders thereon in accordance with law.

6.In the result, the writ petition is disposed of and the respondent is directed to furnish copies of the Enquiry Officer's report dated 31.3.2015 and 21.5.2015, to the petitioners within a period of two weeks from the date of receipt of a copy of this order and the petitioners, on receipt of the same, are at liberty to submit their explanation within a period of three weeks thereafter, to the respondent, who on receipt of the same, is directed to consider it and pass orders thereon in accordance with law, within a period of four weeks thereafter and communicate the decision taken, to the petitioners. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nsv

To:

The Deputy Registrar of
Cooperative Societies
Ariyalur Circle
O/o. Collectorate Campus
Ariyalur, Ariyalur District.

+ 1 cc to Government Pleader, SR.49257

+ 1 cc to Mr.C.Prakasam, Advocate Sr.49380

W.P.Nos.28392 of 2015

SVI (CO)

EU 16.09.15