

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition No.30219 of 2015

&

M.P.No.1 of 2015

C.Udayakumar

...Petitioner

Vs.

1. The Deputy Registrar of Co-operative Societies,
Hosur Circle, Hosur,
Krishnagiri District.
2. K.K.127, Hosur Primary Agricultural
Co-operative Credit Society Ltd.,
rep. by its President, Hosur,
Krishnagiri District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for issuance of Writ of Mandamus to forbear the respondents from proceeding with disciplinary proceedings against the petitioner pursuant to the charge memo dated 10.08.2015 without furnishing the copies of the documents requested by him in his letter dated 03.09.2015.

For Petitioner : Mr.Balan Haridas
for M/s.C.K.Chandrasekhar

For Respondents : Mr.R.Bala Ramesh, AGP

O R D E R

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

2. The grievance expressed by the petitioner, who was working as Secretary of the second respondent - Society and being placed

under suspension, is that though a detailed charge memo has been issued by referring to various documents/books of accounts, the copies of the same have not been furnished to him, thereby, preventing him from submitting his effective written statement of defence. Hence, the petitioner has submitted a representation dated 03.09.2015 praying for furnishing of copies of certain documents and also further prayed for time from the date of furnishing of those documents to furnish his written statement of defence. Since no orders have been passed, the petitioner came forward to file the present Writ Petition.

3. Learned counsel appearing for the petitioner would submit that unless and until either the petitioner is permitted to peruse the documents and take copies of the same or the respondents themselves furnish documents, he may not be in a position to submit a written statement of defence and hence prays for appropriate orders.

4. Per contra, learned Additional Government Pleader, who accepts notice on behalf of the respondents, would submit that serious allegations have been levelled against the petitioner while discharging the duties as Secretary of the second respondent - Society and by filing this Writ Petition, the petitioner wants to protract the disciplinary proceedings and prays for dismissal of the Writ Petition.

5. This Court has considered the rival submissions of both sides and perused the materials placed before this Court.

6. A perusal of the charge memo reveals that very many references have been made to the documents and books of accounts and in the end of the charge memo, there is no reference to the list of documents as well as the witnesses proposed to examine to prove the charges framed against the petitioner. To that extent, the petitioner may be right in making his submission that unless he is either permitted to peruse the documents and take copies of the same or the respondents themselves furnish documents, he may not be in a position to put forth his effective defence.

7. Though the petitioner has prayed for a larger relief, this Court, in the light of the above-said facts and circumstances, directs the second respondent to consider the representation of the petitioner dated 03.09.2015 and pass orders on merits and in accordance with law by either permitting the petitioner to peruse the documents referred to in the charge memo or take notes/copies of the same or otherwise, the second respondent himself furnish copies of

the documents referred to in the charge memo within a period of six weeks from the date of receipt of a copy of this order. Till then, the respondents shall defer further decision on the charge memo issued against the petitioner.

The Writ Petition is disposed of accordingly. No costs. Consequently, M.P.No.1 of 2015 is closed.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

1.The Deputy Registrar of Co-operative Societies,
Hosur Circle, Hosur,
Krishnagiri District.

2.The President,
K.K.127, Hosur Primary Agricultural
Co-operative Credit Society Ltd.,
Hosur,
Krishnagiri District.

1 CC to M/s.C.K.Chandrasekhar, Advocate SR.No. 52210

1 CC to Mr.R.Bala Ramesh, Advocate SR.No. 52489

1 CC to the Government Pleader, SR.No. 52414

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& M.P.No.1 of 2015

RV (CO)
PSI (12.10.2015)

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