

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2015

CORAM

THE HONOURABLE Mr. JUSTICE N. KIRUBAKARAN

W.P.No.31500 of 2015

N.R.Govindarajar

..Petitioner

/vs/

1.The Registrar of Co-op. Societies,
Kilpauk, Chennai 10.

2.The Joint Registrar of Co-op. Societies,
Erode Region, Erode.

3.The Deputy Registrar of Co-op.Societies,
Gobi Circle, Gobi,
Erode District.

4.The President,
Nerinjipettai Primary Agricultural Coop,
Credit Society, Nerinjipettai,
Anthiyur Taluk, Erode District.

5.Murugesan
Secretary,
Nerinjipettai Primary Agricultural Coop,
Credit Society, Nerinjipettai,
Anthiyur Taluk, Erode District.

6.Murugan
Assistant Secretary,
Nerinjipettai Primary Agricultural Coop,
Credit Society, Nerinjipettai,
Anthiyur Taluk, Erode District.

5.Palanisamy
Cashier,
Nerinjipettai Primary Agricultural Coop,
Credit Society, Nerinjipettai,
Anthiyur Taluk, Erode District.

..Respondents

PRAYER:

Writ petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents 1 to 3 to consider and pass orders on merits by disposing the written representation made by the petitioner on 18.09.2015 within a stipulated time as this Court.

For Petitioner :Mr.C.Prakasam

For Respondents:Mrs.T.P.Savitha

Government Advocate (coop)
for R1 to R4

Mr.V.Stalin for

M/s Row and Reddy for

R5 to R7

ORDER

The petitioner is one of the members of the fourth respondent Society. One N.R.Chandrasekaran is the President of the fourth respondent Society; 5th respondent-Murugesan is the Secretary of the fourth respondent Society; 6th respondent-Murugan is the Assistant Secretary of the fourth respondent Society and 7th respondent is the Cashier in the fourth respondent Society. According to the petitioner, private respondents 4 to 7 misappropriated several lakhs of rupees in the said society. The said misappropriation was brought to the notice of the the higher authorities. However, the third respondent colluding with the fourth respondent conducted an enquiry and made an attempt to absolve the allegations against the respondents 4 to 7. Therefore, one Malarkode filed a writ petition in W.P.No.7279 of 2013 for change of the Enquiry Officer and the first respondent was directed to depute an enquiry officer not below rank of the Deputy Registrar of Co-operative Societies by order dated 27.03.2013. Accordingly, the first respondent appointed an enquiry officer, who conducted the enquiry and submitted his report to the third respondent and recommended to initiate criminal proceedings against respondents 4 to 7. However, no action has been taken so far. In spite of that, it is alleged that the President, reinstated 4 to 7 and paid several lakhs of rupees as backwages even without obtaining any prior permission from respondents 1 to 3. Therefore, the petitioner made a representation on 18.09.2015 to respondent 1 to 3 to take action against them. So far no action has been taken. Hence, the petitioner has filed this writ petition for the aforesaid prayer.

2.Heard Mr.C.Prakasam, the learned counsel appearing for the petitioner; Mrs.T.P.Savitha, learned Government Advocate (Co-op) appearing for respondents 1 to 4 and Mr.V.Stalin for M/s Row and Reddy the learned counsel appearing for the respondents 5 to 7.

3.Though the learned Government Advocate (Co-op) appearing for respondents 1 to 4 would produce an order passed by the third respondent on 05.10.2015, in view of the allegations made by the petitioner against the third respondent, it is appropriate to direct the first respondent to conduct an enquiry, after giving an opportunity to all the parties and dispose of the petitioner's representation on 18.09.2015, within a period of twelve weeks, from the date of receipt of a copy of this order. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Registrar of Co-op. Societies,
Kilpauk, Chennai 10.

2.The Joint Registrar of Co-op. Societies,
Erode Region, Erode.

3.The Deputy Registrar of Co-op.Societies,
Gobi Circle, Gobi,Erode District.

4.The President,
Nerinjipettai Primary Agricultural Coop,
Credit Society, Nerinjipettai,
Anthiyur Taluk, Erode District.

+1 cc to M/S.T.P.Savitha Government Advocate sr.59605

+1 cc to Mr.C.Prakasam Advocate sr.59647

+1 cc to M/S.Row & Reddy Advocate sr.59446

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