

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition No.31534 of 2015

&

M.P.Nos.1 to 3 of 2015

N.Nagarajan

...Petitioner

Vs.

1. The Deputy Registrar,
Co-operative Societies,
Dharmapuri District.
 2. The Sub Registrar/
Field Officer of Co-operative Societies
Karimangalam.
 3. The President,
Primary Agricultural Co-operative Credit Societies,
Preiyannahalli, Palacode Taluk,
Dharmapuri District.
- ...Respondents

PETITION under Article 226 of The Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the orders passed by the respondents 3 and 1 dated 21.10.2014 and in Na.Ka.No.2795/2015/Tho Sa1 dated 04.08.2015 respectively and quash the same and consequentially reinstate the petitioner in service with all attendant benefits and backwages right from the date of order of suspension dated 21.10.2014 issued by the third respondent.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondents : Mr.L.P.Shanmugasundaram,
Spl.G.P. (Co-op.)

O R D E R

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

2. The petitioner, who was working as Secretary of the third respondent - Society, was placed under suspension vide order dated 21.10.2014 alleging certain irregularities and the order of suspension was periodically extended. The petitioner, to his shock and surprise, received the impugned notice dated 04.08.2015 purported to be issued under Section 81 of the Tamil Nadu Co-operative Societies Act informing about the appointment of Enquiry Officer and called upon the petitioner to appear before the Enquiry Officer.

3. Learned counsel appearing for the petitioner would submit that the impugned notice refers to certain irregularities, which took place in the year 1997-98 and 2002-2003 and admittedly, it is beyond the period of seven years and therefore, no action has to be taken against the petitioner and prays for quashment of the same.

4. Per contra, Mr.L.P.Shanmuga Sundaram, learned Special Government Pleader, who accepts notice on behalf of the respondents, would submit that the impugned order also refers to certain other irregularities and hence, the first respondent may be permitted to issue a comprehensive notice containing all particulars so as to enable the petitioner to defend the proceedings in a fair and effective manner.

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

6. Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances, is of the view that the impugned order has to be set aside and the matter has to be remanded back to the respondents to issue a comprehensive notice containing all relevant and sufficient particulars so as to enable the petitioner to defend the proceedings in a fair and appropriate manner.

7. In the result, this Writ Petition is partly allowed and the impugned proceeding dated 04.08.2015 is set aside and the matter is remanded back to the first respondent, who shall issue a comprehensive notice containing full and relevant particulars

as to the allegations of the petitioner within a period of two weeks from the date of receipt of a copy of this order and the petitioner, on receipt of the same, is at liberty to submit his explanation, taking legal as well as factual plea, within a further period of four weeks thereafter. The first respondent on receipt of such explanation from the petitioner, is directed to proceed with the proceedings under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 in accordance with law and pass orders within a period of eight weeks thereafter.

8. The grievance of the petitioner is also that he has been suspended from service from 21.10.2014 and so far the subsistence allowance has not been paid. The third respondent is directed to consider the said plea of the petitioner and pass appropriate orders on merits and in accordance with law as well as in terms of the by laws within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, M.P.Nos. 1 to 3 of 2015 are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Deputy Registrar,
Co-operative Societies,
Dharmapuri District.
2. The Sub Registrar/
Field Officer of Co-operative Societies
Karimangalam.

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3. The President,
Primary Agricultural Co-operative Credit Societies,
Preiyannahalli, Palacode Taluk,
Dharmapuri District.

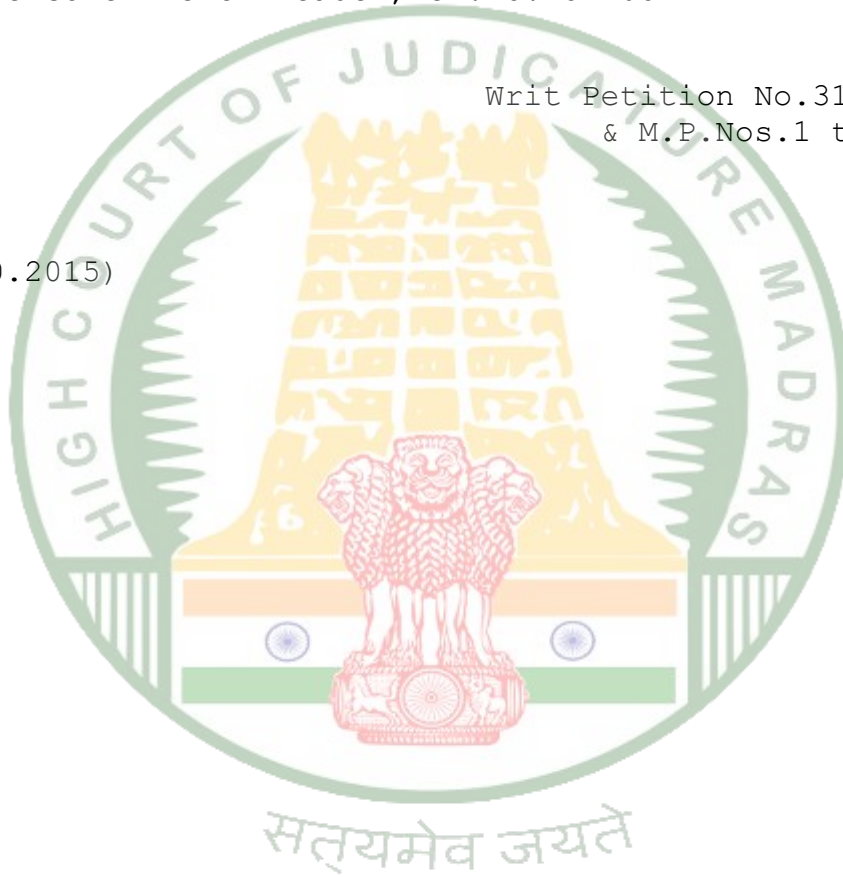
1 CC to Mr.R.Marudhachalamurthy, Advocate SR.No. 54316

1 CC to Mr.L.P.Shanmugasundaram, Advocate SR.No. 54294

1 CC to the Government Pleader, SR.No. 54405

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VGI (CO)
PSI (20.10.2015)



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