

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition Nos.328 to 331 of 2015
and
M.P.Nos.1,1,1 and 1 of 2015

C.Rajamanickam ... Petitioner in W.P.No.328 of 2015
D.Christoper ... Petitioner in W.P.No.329 of 2015
P.Mathiyazhagan ... Petitioner in W.P.No.330 of 2015
T.Gopalakrishnan ... Petitioner in W.P.No.331 of 2015

vs.

1. The Joint Registrar of Co-op.
Societies, Cuddalore Region
Cuddalore, Cuddalore District.
2. The President
E-2684, Nandheeswaramangalam
Primary Agricultural Co-op.Credit
Society, Vattathur Post
Kattumannarkoil Taluk
Cuddalore District.
3. The Enquiry Officer
E.2684 Nandheeswaramangalam
Primary Agricultural Co-op.Credit
Society, Vattathur Post
Kattumannarkoil Taluk
Cuddalore District. ... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Certiorari to call for the entire records relating to the summons dated 26.12.2014, 26.12.2013, 26.12.2013 and 26.12.2014 respectively issued by the third respondent and to quash the same.

For Petitioners
in all W.Ps.

: Mrs.R.Hemalatha
for Mr.C.Prakasam

For Respondents
in all W.Ps.

: Mr.L.P.Shanmugha Sundaram
Special Government Pleader

COMMON ORDER

The petitioners are challenging the summons issued by the third respondent in connection with the disciplinary proceedings primarily on the ground that the Enquiry Officer earlier functioned as Deputy Registrar and as such he was associated in the Surcharge proceedings. The petitioners have also taken up a contention that they have not been provided with the report under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983.

2. When the writ petitions were taken up for consideration, the learned Special Government Pleader appearing on behalf of the respondents, by producing a copy of the proceedings dated 24.01.2015 submitted that the Enquiry Officer has already been changed and a new Enquiry Officer has been appointed.

3. In view of the stand now taken by the respondents, there is no question of quashing the impugned summons on the ground of involvement of the Enquiry Officer in the earlier proceedings.

4. The petitioners have taken up another contention with regard to the failure to furnish the enquiry report under Section 81 of the Tamil Nadu Co-operative Societies, Act 1983.

5. The first respondent is directed to provide a copy of the Enquiry Report under Section 81 of the Tamil Nadu Co-operative Societies Act to the concerned petitioners before commencing the enquiry. The authorities are directed to conclude the disciplinary proceedings as expeditiously as possible.

6. The writ petitions are disposed of with the above observation. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar.

Vj2

To

1. The Joint Registrar of Co-op. Societies, Cuddalore Region
Cuddalore, Cuddalore District.
2. The President
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Society, Vattathur Post
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Primary Agricultural Co-op.Credit
Society, Vattathur Post
Kattumannarkoil Taluk
Cuddalore District.

+1cc to M/s.L.P.Shanmugasundaram, Advocate, S.R.No.9307
+4cc's to Mr.C.Prakasam, Advocate, S.R.No.9386

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W.P.Nos.328 to 331 of 2015

GP(CO)
CA(06/03/2015)