

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P. NO.33225 OF 2015
& M.P.NO.1 OF 2015

R.Somasundaram

.. Petitioner

Versus

The Deputy Registrar of Coop. Societies,
Cuddalore Circle, Cuddalore,
Cuddalore District.

.. Respondent

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, forbearing the respondent to proceed further in so far relates to under Section 87 Surcharge Proceedings till the furnishing relevant documents as required by the petitioner as per written representation made by the petitioner on 22.09.2015 in which the petitioner pointed out the relevant documents.

For Petitioner : Mr.C.Prakasam

For Respondents: Mr.R.Bala Ramesh

Additional Government Pleader
[Cooperative]

O R D E R

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

2. The petitioner was working as the Cashier in District Central Cooperative Bank, Semmandalam Branch, Cuddalore on deputation and he was transferred to the service of the original employee, namely, Poongunam Primary Agricultural Cooperative Credit Society, Poongunam, L.N.Puram Post, Panruti Taluk, Cuddalore District and it was alleged that some irregularities took place while considering the application for jewel loan. In this regard, enquiry under Section 81 of the Tamil Nadu Cooperative Societies Act, 1983 was conducted and the report dated 25.05.2015 was sent to the respondent, based on which, the petitioner was issued with the notice as to why the sum of Rs.6,80,000/- has to be recovered from the petitioner and three others. The petitioner has also submitted his response dated 22.09.2015 praying for furnishing of certain documents as well as the copy of the report under Section 81 of the Tamil Nadu Cooperative Societies Act, 1983. Since it has not been given,

the petitioner came forward to file this writ petition.

3. Mr.C.Prakasam, learned counsel appearing for the petitioner has drawn the attention of this court to the proceedings of the respondent dated 01.09.2015 and would submit that for the purpose of issuing the show cause notice to the petitioner and others, reliance was placed upon the report dated 25.5.2015 under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983. Unless and until the copy of the said report is filed, the petitioner is not in a position to submit his proper and effective representation and prays for appropriate orders.

4. This Court heard Mr.R.Bala Ramesh, learned Additional Government Pleader, who accepts notice on behalf of the respondent.

5. Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances, directs the respondent to furnish a copy of the Enquiry Officer's Report dated 25.05.2015 under Section 81 of the Tamil Nadu Cooperative Societies Act, 1983 to the petitioner, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the petitioner is directed to submit his explanation within a further period of two weeks thereafter. On receipt of such explanation, the respondent is directed to consider the same and pass orders on merits and in accordance with law within further period of four weeks thereafter and communicate the decision taken, to the petitioner. Till then, the respondent shall defer further proceedings.

6. The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

-sd-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sri

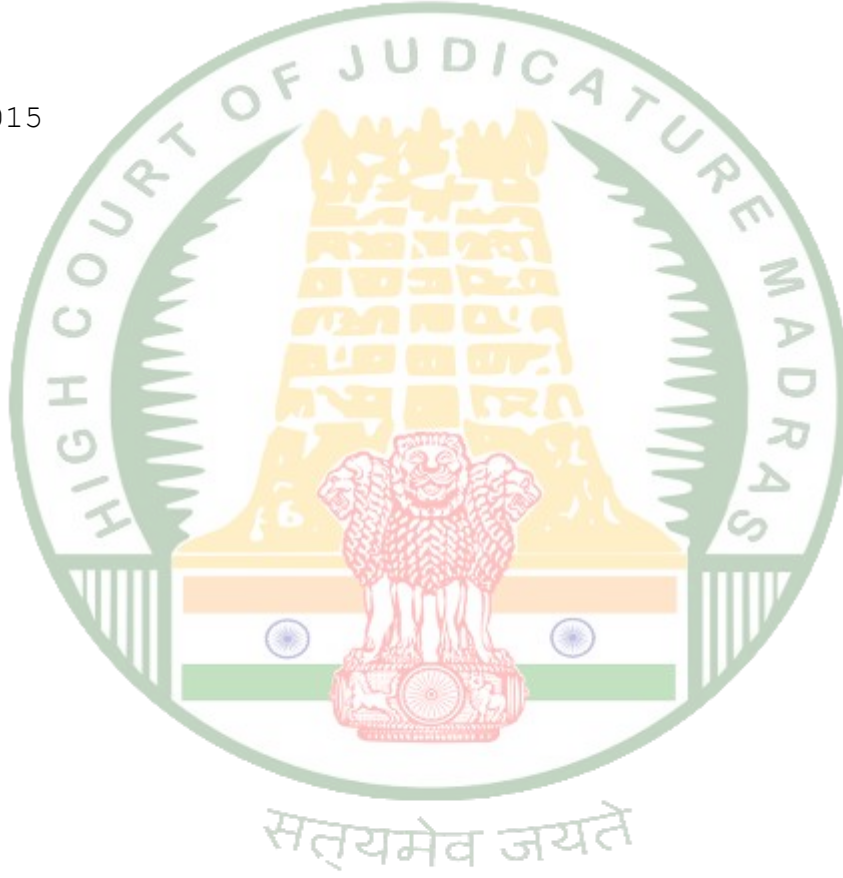
To

The Deputy Registrar of Coop. Societies,
Cuddalore Circle, Cuddalore,
Cuddalore District.

+1 cc to M/S.C.Prakasam Advocate sr.57014

W.P. NO.33225 OF 2015

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