

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26/11/2015

C O R A M

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

Writ Petition No.37720 of 2015

M.Janakai

...

Petitioner

Vs

1. The Deputy Registrar of
Co-operative Societies
Nagapattinam Circle
Nagapattinam District.
2. The President
Z-719 Thittacheri Primary Agricultural
Co-operative Credit Society Ltd
Purakiramam 609 703
Nagapattinam District. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the first respondent to furnish all the documents requested by the petitioner in the representation dated 26/10/2015 before commencing the surcharge proceedings.

For petitioner ... Mr.S.Kamadevan

For respondents ... Mr.D.Venkatachalam
Government Advocate

सत्यमेव जयते
O R D E R

With the consent of the learned counsel appearing for the parties, this writ petition is taken up for final disposal.

2. Heard Mr.S.Kamadevan, learned counsel appearing for the petitioner and Mr.D.Venkatachalam, learned Government Advocate for the respondents.

3. This writ petition has been filed to direct the first respondent to furnish all the documents requested by the petitioner in the representation dated 26/10/2015 before commencing the surcharge proceedings.

4. The petitioner is working as a Clerk in the second respondent Co-operative Society and was placed under suspension on the ground that enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 had been commenced to enquire into certain alleged illegalities committed by the petitioner.

5. Pursuant to which notice was issued to the petitioner on 7/10/2015 to attend a hearing by which there was a proposal to impose a sum of Rs.6,85,275/- as surcharge amount on the petitioner and proposed to be recovered from the petitioner.

6. The petitioner submitted a representation on 26/10/2015 stating that he requires a copy of the report and certain other documents. This representation has been received by the first respondent, as could be seen from the postal acknowledgement card, which was filed in the typed set of papers.

7. The grievance of the petitioner is that in spite of the receipt of the representation, the first respondent has sent another notice. Therefore, the petitioner seeks for a direction to the first respondent to furnish all the documents as requested by the petitioner in his representation dated 26/10/2015 before commencing surcharge proceedings.

8. Mr.D.Venkatachalam, learned Government Advocate submitted that all the documents, which are related to the charge against the petitioner, including the report of the enquiry under Section 81 of the Act, will be furnished to the petitioner, though the petitioner has asked for several other documents, and such request will be considered on merits.

9. Accordingly, there will be a direction to the first respondent to consider the petitioner's representation dated 26/10/2015, furnish the report under Section 81 of the Act and all other documents which are related to the charge against the petitioner. In respect of the other documents sought for by the petitioner, it is open to the first respondent to assign reasons, if he is of the opinion that they need not be furnished to the petitioner. The above direction shall be complied with, within a period of three weeks, from the date of receipt of a copy of this order and it is made clear that only after furnishing the documents as directed by this Court, surcharge proceedings shall be proceeded.

10. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

True Copy

Sub Assistant Registrar

To

1. The Deputy Registrar of
Co-operative Societies
Nagapattinam Circle
Nagapattinam District.
2. The President
Z-719 Thittacheri Primary Agricultural
Co-operative Credit Society Ltd
Purakiramam 609 703
Nagapattinam District.

+1cc to Mr.S.Kamadevan, Advocate Sr.64212
+1cc to The Government Pleader Sr.64540

W.P.No.37720 of 2015

vgi[col]
srg 15/12/2015

सत्यमेव जयते

WEB COPY