

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2016

CORAM

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Mr. JUSTICE M.VENUGOPAL

W.A.No.1479 of 2015
and
M.P.No.1 of 2015

The Principal Secretary to Government,
Personnel and Administrative
Reforms Department,
Secretariat, Chennai - 9. ... Appellant/Respondent

Vs.

M.Gopalakrishnan,
Co-operative Sub Registrar/
Managing Director,
Sundaram Co-operative Credit
Society, Chennai. ... Respondent/Petitioner

Appeal filed under Clause 15 of Letters Patent against the
order dated 01.04.2015 made in W.P.No.5719 of 2014.

WP.NO.5719/2014:Writ Petition is filed Under Article 226 of the
Constitution of India Seeking a Writ of Certiorari to call for
the records relating to the proceedings of the respondent in Lr.
NO.5701/ H2/ 2012-8 dated 18.5.2012 and quash the same.

For Appellant .. Ms.A.Srijayanthi,
Spl. Govt. Pleader

For Respondent .. Mr.G.Sankaran

JUDGMENT

(Judgment of the Court was delivered by SATISH K.AGNIHOTRI, J.)

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

2.The instant appeal is directed against the order of the
learned single Judge dated 01 April 2015 made in W.P.No.5719 of

2014, whereunder, the charge memo dated 18 May 2012 was quashed.

3.The appellant was granted time since 06 October 2015 to produce the relevant documents, as it is found by the learned single Judge that no material is available to proceed against the writ petitioner under disciplinary proceedings. The learned single Judge examined the facts at length and came to the conclusion as under:

"19.This is not like any other disciplinary proceedings initiated independently by the Disciplinary Authority. Here is a case wherein the Director of Vigilance and Anti Corruption conducted a detailed enquiry and found no incriminating materials against the petitioner. In case there were materials against the petitioner, nothing prevented the Vigilance and Anti Corruption Unit from including him as an accused. The Directorate of Vigilance and Anti Corruption simply stated that action should be taken against the petitioner and few others. The report submitted by Vigilance and Anti Corruption Unit is part of the record. In view of the report submitted by the Vigilance and Anti Corruption, it cannot be said that the petitioner connived with the then president and caused loss to the society. I am therefore of the view that the petitioner must succeed."

4.As aforestated, despite sufficient opportunity granted to the appellant, no material is produced to establish that the charge memo was issued on the basis of some material. We do not find any reason to take a contrary view other than the one taken by the learned single Judge. Thus the writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

mmi

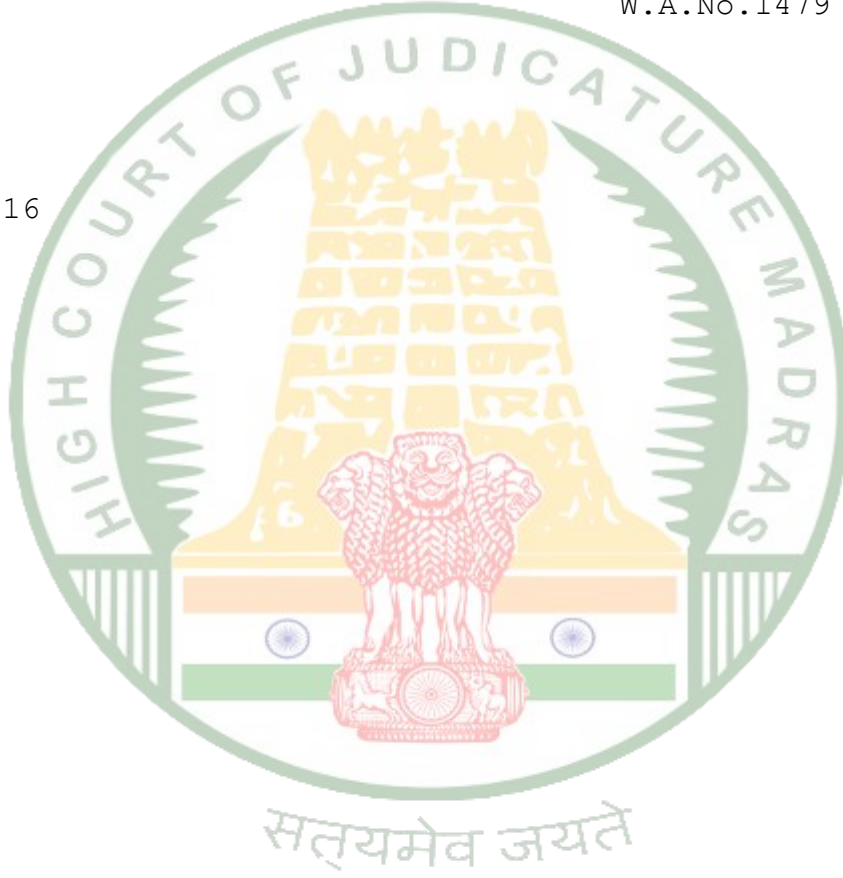
To

The Principal Secretary to Government,
Personnel and Administrative Reforms
Department,
Secretariat Chennai-09

+1 cc to Government Pleader vide sr.11436
+1 cc to Mr.G.Sankaran Advocate sr.11595

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