

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.04.2016

Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

Writ Petition No.8924 of 2015

M.Manickam

...Petitioner

Vs.

1. Registrar of Cooperative Societies,
Kilpauk, Chennai - 600 010.
2. The Regional Joint Registrar of
Cooperative Societies,
Collector Office Campus,
Salem - 636 001, Salem District.
3. The Zonal Deputy Registrar of
Cooperative Societies,
Salem District Central Cooperative Bank Campus,
Salem - 636 001, Salem District.
4. President,
S.1351 Primary Agricultural
Cooperative Credit Society,
Periyagoundapuram,
Vazhapadi Taluk, Salem District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents 2 and 3 to consider and take action on the representation made by the petitioner and others, dated 25.01.2015, by appointing some other competent person to enquire and take action under section 81 of the Cooperative Societies Act.

For Petitioner : Mr.P.Ganesan for
M/s.C.S. Associates

For Respondents 1 to 3 : Mrs.T.P.Savitha
Government Advocate

For Respondent-4 : Mr.L.P.Shanmugasundaram
Special Government Pleader

O R D E R

The petitioner has filed this Writ Petition seeking for issuance of a writ of mandamus to direct respondents 2 and 3 to consider and take action based on the representation made by the petitioner and others, dated 25.01.2015, and to appoint some other competent person to enquire into the matter, and take action under section 81 of the Cooperative Societies Act,

2. Heard Mr.P.Ganesan, the learned counsel appearing for M/s.C.S.Associates, learned counsel for the petitioner and Mrs.T.P.Savitha, learned Government Advocate for respondents 1 to 3.

3. The petitioner, who is the member of the fourth respondent/Society, viz., Periyagoundapuram Primary Agricultural Cooperative Credit Society, has come forward with the grievance, not only on his behalf, but also on behalf of other members of the said Society, stating that several illegalities have been committed by the Secretary as well as the President of the Society, and therefore, the petitioner wants a thorough enquiry to be conducted.

4. Counter Affidavit has been filed by the President of the fourth respondent/Society, and on perusal of the same, it is seen that one A.Elango, who was the Secretary, committed misappropriation of funds, and it is rather surprising to see that the said A.Elango has only been reverted to the parent Society, i.e. Vellalagundam Primary Agricultural Cooperative Credit Society on 31.07.2014, and there is no whisper, as to whether any disciplinary action has been taken against him.

5. Be that as it may, it is seen that a Committee has been constituted, consisting of four members, who are in the cadre of Cooperative Registrars, and they have commenced their enquiry. In order to ensure that enquiry is proceeding in a proper manner, the Deputy Registrar/third respondent shall monitor the enquiry proceeding, and direct the Enquiry Officer to complete the enquiry within a time frame, which shall be not more than three months. If the third respondent finds any of employees, past or present, are guilty of embezzlement of funds or other delinquencies, then, he shall recommend for disciplinary action to be initiated against those employees.

6. With the abovesaid observation and direction, the Writ Petition is disposed of. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. Registrar of Cooperative Societies,
Kilpauk, Chennai - 600 010.
2. The Regional Joint Registrar of
Cooperative Societies,
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Salem - 636 001, Salem District.
3. The Zonal Deputy Registrar of
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4. President,
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Cooperative Credit Society,
Periyagoundapuram,
Vazhapadi Taluk, Salem District.

+1 cc to Government Pleader sr.25821

+1 cc to Mr.LP.Shanmugasundaram Advocate sr.25739

+1 cc to Mrs.CS.Associates in SR.25325

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