

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16-08-2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.28372 of 2016

and W.M.P.No.24494 of 2016

A.Mahalakshmi

.. Petitioner

Vs.

1.The Deputy Registrar of Co-operative Societies
No.11A, Market Road
Pollachi-642 001.

2.The Sub-Registrar of Co-operative Societies & Field Officer
Pollachi-North
O/o.The Deputy Registrar of Co-operative Societies
No.11A, Market Road
Pollachi-642 001.

3.The President
Govindanur Primary Agricultural Co-operative Credit Society
K-1751
Govindanur
Puravipalayam Post
Pollachi Taluk-642 110.

4.The Secretary
Govindanur Primary Agricultural Co-operative Credit Society
K-1751
Govindanur
Puravipalayam Post
Pollachi Taluk-642 110.

5.K.Senthilkumar

..Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus, to direct the 5th respondent to consider the representation of the petitioner, dated 25.07.2016 and to provide the documents mentioned therein to the petitioner and also to permit her to have the assistance, so as to enable the petitioner to participate in the enquiry in respect of the charge memo, dated 22.04.2016, thereby affording sufficient opportunity to the petitioner.

For Petitioner : Mr.R.Munuswamy

For Respondents : Mr.L.P.Shanmughasundaram
Special Government Pleader

O R D E R

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. This Writ Petition has been filed to issue a Writ of Mandamus, to direct the 5th respondent to consider the representation of the petitioner, dated 25.07.2016 and to provide the documents mentioned therein to the petitioner and also to permit her to have the assistance, so as to enable the petitioner to participate in the enquiry in respect of the charge memo, dated 22.04.2016, thereby affording sufficient opportunity to the petitioner.

3. The petitioner was employed as Assistant Secretary in the Govindanur Primary Agricultural Co-operative Credit Society-K-1751. While so, she was issued with a suspension order, dated 21.03.2016, by the 3rd respondent leveling charges of dereliction of duty and misconduct. On 22.04.2016, she was issued with a charge memo, for which, the petitioner has submitted her explanation. Pursuant to which, an Enquiry Officer was appointed. On 17.06.2016, the petitioner appeared before the Enquiry Officer and made a representation, dated 17.06.2016, requesting him to furnish a copy of the complaint and also the proceedings of the 1st respondent, dated 09.03.2016, which was the basis for issuing charge memo and also sought to permit to have the assistance of Mr. Kesavamurugan, who is the General Secretary of Coimbatore District Local Administration Employees Liberation Front. But, the Enquiry Officer refused to receive the same and hence, the same was sent by registered post. The petitioner sent another representation, dated 25.07.2016, requesting to provide documents such as (i) copy of complaint (ii) copy of Attendance Register (iii) Cash Collection Register (iv) Jewel Loan Register (v) Jewel Loan Stock Register (vi) Safe Deposit Locker Maintenance Register (vii) Crop Loan Register (viii) Agricultural Jewel Loan Register and (ix) Agricultural Jewel Loan Stock Register and also to have the assistance of third party for enquiry, but, till date, there was no response. Hence, the petitioner has filed the present Writ Petition, seeking the relief stated supra.

4. Mr. R. Munuswamy, the learned counsel for the petitioner would submit that unless, the petitioner is given the documents as sought for by her, she will not be able to proceed with the enquiry proceedings. He would further add that if the documents sought for by her is given, the petitioner is ready and willing to co-operate with the enquiry proceedings.

5. Mr. L. P. Shanmugasundaram, the learned Special Government Pleader, who took notice on behalf of the respondents, on instructions, would contend that the petitioner has appeared before the Enquiry Officer for enquiry only once, later on, she has not chosen to appear. He would further add that the respondents are prepared to give the copy of the documents that are available with them, but the only thing is that the

petitioner has to appear and co-operate with the enquiry proceedings.

6. Having regard to above, this Court, without going into the merits of the claim made by the petitioner, directs the petitioner to appear before the 5th respondent viz., Enquiry Officer, on 23.08.2016, at 3.00 p.m., on which date, the 5th respondent shall provide the copy of the documents, which are available with them, to the petitioner to enable her to give her reply. On receipt of the reply, the 5th respondent shall consider the same and take a decision, including as regards the permission sought for by the petitioner to have the assistance of third party for enquiry. The 5th respondent shall complete the enquiry proceedings and pass appropriate orders, on merits and in accordance with law, within a period of three months from the date of receipt of the reply of the petitioner. It is made clear that the petitioner shall co-operate with the enquiry by participating in the enquiry proceedings, without any default.

7. The Writ Petition is disposed of accordingly. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1.The Deputy Registrar of Co-operative Societies
No.11A, Market Road
Pollachi-642 001.
- 2.The Sub-Registrar of Co-operative Societies & Field Officer
Pollachi-North
O/o.The Deputy Registrar of Co-operative Societies
No.11A, Market Road
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- 3.The President
Govindanur Primary Agricultural Co-operative Credit Society
K-1751
Govindanur
Puravipalayam Post
Pollachi Taluk-642 110.

4.The Secretary

Govindanur Primary Agricultural Co-operative Credit Society
K-1751

Govindanur
Puravipalayam Post
Pollachi Taluk-642 110.

+1 cc to Mr.R.Munusamy, advocate,sr.46883

+1 cc to Mr.L.P.Shanmugasundaram,advocate,sr.46618

+1 cc to Govt.Pleader,sr.47074

bvr(co)
krd 19/8

W.P.No.28372 of 2016



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