

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.33306 of 2016

D.Jayanthi

.. Petitioner

Vs.

The President,
Ponneri Primary Agricultural
Co-operative Credit Society Ltd.,
254, Ponneri, Eityampatti Post,
Aroor Taluk, Dharmapuri District.
.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondent to dispose of petitioner's representation, dated 05.08.2016 and thereby furnish to the petitioner the copy of the proceedings of the respondent, dated 22.06.2016.

For Petitioner : G.Sumitra
For Respondent : Mr.L.P.Shanmugha Sundaram, Spl.G.P.

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondent to dispose of petitioner's representation, dated 05.08.2016 and thereby furnish to the petitioner the copy of the proceedings of the respondent, dated 22.06.2016.

2. The petitioner herein joined as Clerk in the respondent-Society and she was promoted as Secretary in the year 2009. While discharging his duties as Secretary, an enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, was conducted in respect of the irregularities committed in the respondent-Society and a report dated 03.02.2014 was submitted to the respondent. Based on the said report, the respondent fixed all the charges on the petitioner and issued a charge memo

dated 17.03.2014. It is further stated by the petitioner that even before the commencement of the enquiry, the respondent forced the petitioner to pay a sum of Rs.35,34,660/- and the petitioner has paid the said amount to the respondent. The petitioner gave explanation dated 21.03.2014 to the said charge memo and denied all the charges levelled against her. The respondent, not satisfied with the said explanation, ordered for a domestic enquiry and appointed one Sivaguruvel, a retired CSR as the enquiry officer. On completion of the enquiry, enquiry report dated 15.04.2014 was submitted. It is further stated that the respondent called for explanation in respect of the charges levelled against the petitioner, vide communication, dated 07.10.2015, for which, the petitioner sent explanation, dated 27.10.2015, seeking for appointment of a new enquiry officer and sought for two months' time for the explanation on the report of the enquiry officer, as the petitioner was medically advised to take rest due to her health condition. It is the grievance of the petitioner that without considering the said explanation, the respondent passed a resolution, dated 22.06.2016 and dismissed the petitioner from service. The copy of the proceedings of the respondent dismissing the petitioner from service, had not been served on the petitioner. Hence, the petitioner sent a representation, dated 05.08.2016 to the respondent, requesting to serve a copy of the proceedings of dismissal to her. Since the said representation is pending, the petitioner has filed this Writ Petition for the prayer stated above.

3. When the Writ Petition is taken up for consideration, learned Special Government Pleader appearing for the respondent produced across the Bar a copy of the said proceedings of dismissal of the petitioner and submitted that the copy of the said proceedings had also been served on the petitioner. Hence, nothing survives for consideration in this Writ Petition. Recording the above submission of the learned Spl.G.P., this Writ Petition is closed. The petitioner is at liberty to file appeal against the said dismissal proceedings, in accordance with law. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

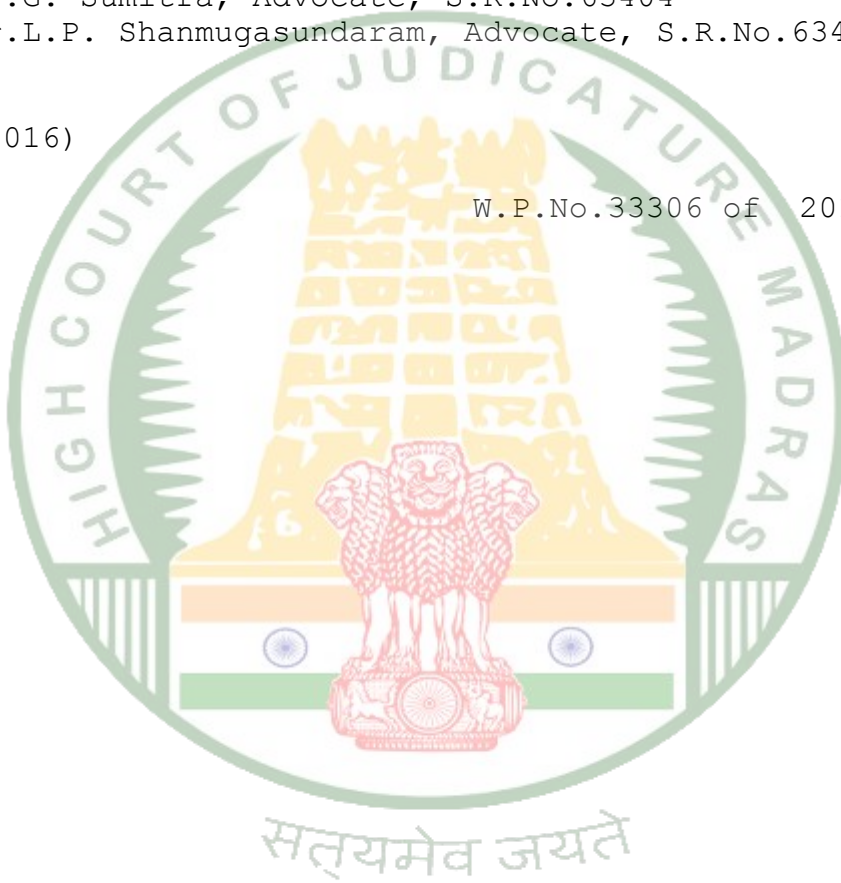
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Copy to
The President,
Ponneri Primary Agricultural
Co-operative Credit Society Ltd.,
254, Ponneri, Eityampatti Post,
Aroor Taluk, Dharmapuri District.

+lcc to Mr.G. Sumitra, Advocate, S.R.No.63404
+lcc to Mr.L.P. Shanmugasundaram, Advocate, S.R.No.63432

ca(CO)
md(22/11/2016)

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