

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 14.12.2016
CORAM:
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
W.P.No.36933 of 2016

M.Ravichandran

.. Petitioner

vs.

- 1.The Deputy Registrar of Co-operative Societies (Credit),
Kuralagam 2nd Floor,
Chennai - 600 108.
 - 2.The Assistant Director of Cooperative Audit (North),
Anna Salai,
Chennai - 600 002.
 - 3.The President,
Chennai Judicial Employees' Cooperative
Thrift and Credit Society,
High Court Campus,
Chennai - 600 104.
- .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorarified Mandamus calling for records relating to the nil proceedings of the 3rd respondent dated 22.07.2016 corrected as 01.08.2016, to quash the same and to consequently direct the respondents to reinstate the petitioner with all benefits.

For Petitioner : Ms.N.R.Jasmine Padma

For Respondents : Mr.L.P.Shanmugasundaram,
Special Government Pleader

सत्यमेव जयते
O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner, while working as Secretary in the third respondent Society, was placed under suspension on 22.07.2016 and subsequently, he was issued with a charge memo dated 09.08.2016, for which he has submitted his explanation dated 03.09.2016.

3. The learned counsel for the petitioner would submit that the order of suspension as well as the disciplinary proceedings came to be initiated as a sequel to the filing of the Writ

Petition in W.P.No.19586 of 2016 and prays for quashment of the impugned order of suspension.

4. Per contra, Mr.L.P.Shanmugasundaram, learned Special Government Pleader appearing for the respondents has drawn the attention of this Court to the counter affidavit filed by the third respondent and would submit that petitioner, as a Chief Executive, ought to have performed his duties with utmost caution and care, but he has indulged in financial irregularities with the help of the acting President namely Mr.T.Raja Johnson, Vice President, misappropriated the funds of the Society by way of issuing bearer cheques numbering 13 to non-members of the Society and thereby, swindled the money along with Vice President, who are signatories of the cheque and the misappropriated amount works out to Rs.3,97,700/-. The learned Special Government Pleader would further add that the allegation of malafide should not only be alleged, should be strictly proved and the petitioner has not made out any case and therefore, prays for dismissal of this Writ Petition.

5. This Court has considered the rival submissions and perused the entire materials available on record.

6. Though the petitioner prayed for larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs the third respondent to take note of the explanation submitted by the petitioner dated 03.09.2016 as regards revocation of the order of suspension and give a disposal in accordance with law within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7. This Writ Petition is disposed of accordingly. No costs.

सत्यमेव जयते

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

jvm

To

1.The Deputy Registrar of Co-operative Societies (Credit),
Kuralagam 2nd Floor,
Chennai - 600 108.

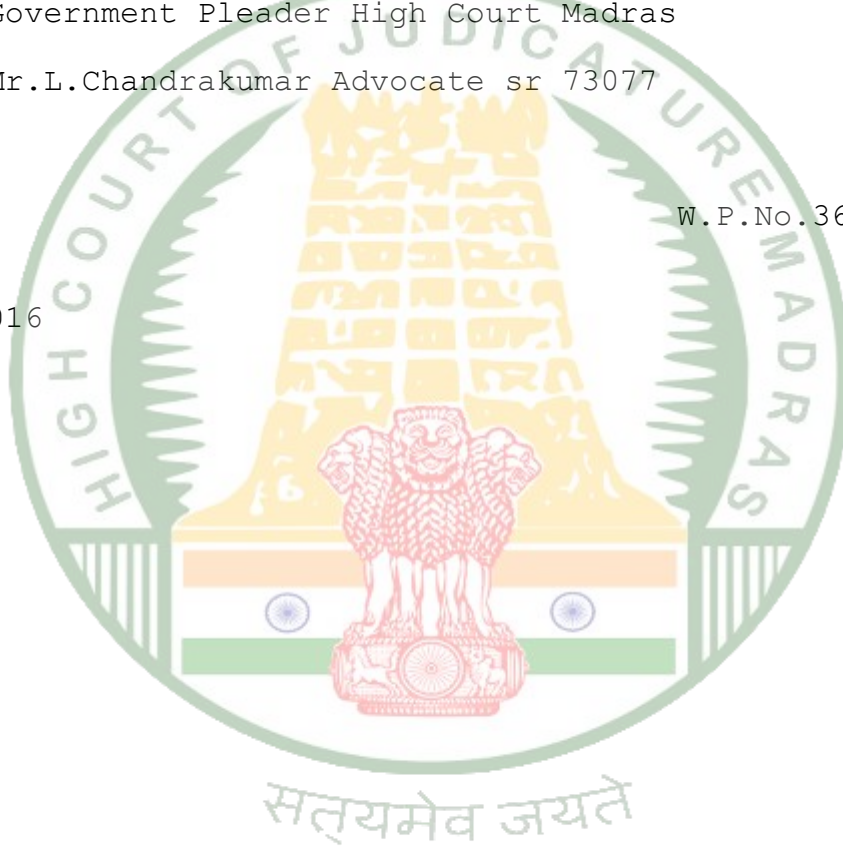
2.The Assistant Director of Cooperative Audit (North),
Anna Salai,
Chennai - 600 002.

3.The President,
Chennai Judicial Employees' Cooperative
Thrift and Credit Society,
High Court Campus,
Chennai - 600 104.

+1 cc to Mr.L.P.Shanmugasundaram Advocate sr 72932
+1 cc to Government Pleader High Court Madras
sr 73298
+1 cc to Mr.L.Chandrakumar Advocate sr 73077

W.P.No.36933 of 2016

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