

In the High Court of Judicature at Madras

Dated : 08.1.2016

Coram :

The Honourable Mr. Justice T.S.SIVAGNANAM

Writ Petition No.577 of 2016 and WMP.No.415 of 2016

A.R.Thamizhoviam

...Petitioner

Vs

1.The Deputy Registrar of Cooperative Societies (Housing), Cuddalore-1.

2.The Regional Deputy Director of Cooperative Societies (Housing), Cuddalore-1.

3.The President, Tamil Nadu Electricity Board Employees and General Employees Cooperative House Building Society, Chidambaram

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorari to call for the records and quash the proceedings of the second respondent Na.Ka.1035/2014/SaPa dated 26.6.2015.

For Petitioner

: Mr.R.Gururaj

For Respondents 1 and 2

: Mr.L.P.Shanmugasundaram, SGP

WEB COPY

ORDER

Mr.L.P.Shanmugasundaram, learned Special Government Pleader takes notice for respondents 1 and 2. Heard the learned counsel for the petitioner. In view of the nature of the relief to be granted, the writ petition itself is taken up for final disposal without ordering notice to the third respondent.

2. The petitioner is a Special Officer of the third respondent - Cooperative Society. The challenge in this writ petition is to a show cause notice dated 26.6.2015 and the consequential summons dated 18.11.2015 both issued by the second respondent. The petitioner challenges the impugned proceedings on the ground that they are in violation of the principles of natural justice and that the petitioner has not been given an opportunity to put forth his objections, since the copy of the alleged enquiry report under Section 81 of the Tamil Nadu Cooperative Societies Act, 1988 dated 29.11.2013 has not been furnished to the petitioner. It is further contended that the impugned proceedings dated 26.6.2015 itself is antedated.

3. At the first blush, on a perusal of the impugned proceedings, it appears that a final order under Section 87 of the said Act has been passed. However, in the penultimate paragraph of the impugned proceedings dated 26.6.2015, it is seen that it is a show cause notice calling upon the petitioner to submit his objections, failing which, he has been informed that action will be taken under Section 87 of the said Act. It is not known as to why no action was taken for nearly two years, when the report under Section 81 of the said Act is said to have been submitted by the Enquiry Officer on 29.11.2013.

4. Be that as it may, now the petitioner has been called upon to appear in person to defend the proceedings initiated under Section 87 of the said Act. The proceedings now initiated by the second respondent is pursuant to the enquiry report dated 29.11.2013. Therefore, such a report is a material, which has to be furnished to the petitioner to enable him to put forth his objections effectively. Without furnishing the copy of the enquiry report, the second respondent would not be justified in proceeding further pursuant to the proceedings dated 26.6.2015.

5. In the light of the above, the writ petition is disposed of with a direction to respondents 1 and 2 to furnish a copy of the report dated 29.11.2013 said to have been submitted under Section 81 of the said Act, within a period of three weeks from the date of receipt of a copy of this order. On receipt of such report, it is open to the petitioner to raise all objections and submit his reply to the show cause notice dated 26.6.2015 within a period of four weeks from the date, on which, the report has been received. Thereafter, after affording an opportunity of personal hearing, the second respondent shall pass final orders on merits and in accordance with law. It is

also open to the petitioner to raise all factual and legal contentions before the second respondent in his objections as well as during personal hearing. No costs. Consequently, the above WMP is closed.

sd/-
Assistant Registrar (CO)

/TRUE COPY/

Sub-Assistant Registrar

RS

To

1.The Deputy Registrar of Cooperative Societies (Housing),
Cuddalore-1.

2.The Regional Deputy Director of Cooperative Societies
(Housing), Cuddalore-1.

+1 CC to MR.R.Gururaj Advocate. SR.NO. 1336

+1 CC to MR.L.P.Shanmugasundaram Advocate. SR.NO. 1935

WP.No.577 of 2016 &
WMP.No.415 of 2016

CO-BVR
JD 01/02/2016



WEB COPY