



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD) .No.15271 of 2016

and

W.M.P. (MD) .No.11242 of 2016

A.Anthoni Dass

... Petitioner

Vs

- 1.The Principal Secretary to Government,
Co-operative, Food and
Consumer Protection Department,
Chennai-600 009.
 - 2.The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
V.O.C.Nagar, Park Town, Chennai-600 003.
 - 3.The Registrar,
Co-operative Societies,
Kilpauk, Chennai-10.
 - 4.The Joint Registrar of Co-operative Societies,
Tiruchirapalli Region,
Tiruchirapalli District.
 - 5.The Deputy Registrar of Co-operative Societies,
Tiruchirappalli-20.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari to call for the records pertaining to the impugned order of the first respondent in G.O.(D).No.51 Co-operation, Food and Consumer Protection Department dated 02.02.2016 and quash the same as illegal and render justice.

For petitioner : Mr.M.Sridharan

For R.1, 3 to 5 : Mr.TR.Janarthanam
Additional Government Pleader



ORDER

The petitioner herein challenges in G.O.(D).No.51 Co-operation, Food and Consumer Protection Department dated 02.02.2016, whereby, he was imposed with the punishment of stoppage of salary for one year with cumulative effect.

WEB COPY

2. The case of the petitioner is that, while he was serving as Sub Registrar /Squad in R.1564, Thiruvarambur Union, Trichy District, he was appointed as an Enquiry Officer under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 to conduct enquiry over the financial irregularities committed in R.1564, Sri Renganatha Swamy Devasthanam Workers Co-operative Society to the tune of Rs.79 Lakhs. Accordingly, the enquiry was commenced on 10.08.2009. Since the amount was huge, the petitioner sought for time to complete the enquiry, but, the request of the petitioner was turned down. However, the petitioner submitted an enquiry report.

2.1. Not satisfied with the said Enquiry Report, the fourth respondent initiated disciplinary proceedings under Rule 17 (b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and consequently, an order of stoppage of salary with cumulative effect for one year was passed. Aggrieved by the same, the petitioner preferred an appeal to the third respondent, who in turn, passed an order upholding the order of the fourth respondent dated 27.11.2012. Aggrieved by the same, the petitioner further appealed to the first respondent, who passed the impugned order which is challenged in the present Writ Petition.

3. Learned counsel for the petitioner submitted that since the financial irregularity was relating to a very huge sum the petitioner sought further time to enquire into the allegations and that being so, the respondents ought to have extended the time enabling the petitioner to properly complete the enquiry in a full-fledged manner, but, they have failed to do so. The respondents also failed to note the fact that, with the minimal time given by the respondents, the petitioner, with great difficulty, submitted the Enquiry Report, for which, the impugned order has been passed against the petitioner. It is submitted that, for the irregularities committed by Sri Renganatha Swamy Devasthanam Workers Co-operative Society, the petitioner, being a quasi-judicial authority, cannot be made a scapegoat. In any event, the order impugned in this Writ Petition is liable set aside.

4. Mr.T.R.Janardhanam, learned Additional Government Pleader, takes notice for respondents 1 and 3 to 5 and Mr.K.K.Senthil, learned Standing Counsel, for the second respondent. They submitted that since the enquiry conducted by the respondents was not satisfactory, after scrutinizing all the relevant documents, the respondents have passed the impugned order, which need not be disturbed by this Court.



5. Considered the rival submissions advanced on either side and perused the materials available on record.

6. This Court is unable to accept the submissions of the learned Counsel for the petitioner for more than one reason. First of all, in the affidavit or in the typed set of papers, there is no material/document made available to show that the petitioner has sought further time to conduct the enquiry, as ordered by the respondents. Further, the submission of the petitioner is proved to be false for the reason that initially the enquiry started on 10.08.2009. At the request of the petitioner, it was extended upto 09.02.2010 by the respondents. Even after giving extension of time, he has filed an incomplete and perfunctory report so as to help the persons involved in the offence. Therefore, the allegation of the petitioner that the time is not given by the respondents is unjustified. The findings arrived at by the fourth respondent was confirmed by the third respondent and subsequently, by the first respondent. At least, three authorities have found that the petitioner has purposely derailed the matter for his pecuniary benefits. Therefore, this Court is not inclined to thrash out the findings of facts arrived at by the respondents. Hence, this Writ Petition is liable to be dismissed.

7. At this juncture, learned Counsel for the petitioner submitted that the first respondent has simply confirmed the order of the fourth and the third respondents without applying his independent mind as regards the allegations levelled against the petitioner. The said contention is also misplaced, as the first respondent in his fourth paragraph No.4 of the impugned order, has completely gone into the detail as regards the dereliction of duty of the petitioner and passed the present impugned order. Viewed from any angle, the reasoned order passed by the first respondent cannot be interfered by this Court.

In the light of the factual position, this Writ Petition is dismissed at the stage of admission itself. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Record)

/True copy/

Sub Assistant Registrar



To

1.The Principal Secretary to Government,
Co-operative, Food and
Consumer Protection Department,
Chennai-600 009.

2.The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
V.O.C.Nagar, Park Town, Chennai-600 003.

3.The Registrar,
Co-operative Societies,
Kilpauk, Chennai-10.

4.The Joint Registrar of Co-operative Societies,
Tiruchirapalli Region,
Tiruchirapalli District.

5.The Deputy Registrar of Co-operative Societies,
Tiruchirappalli-20.

+1cc to Mr.K.K.Senthil, Advocate SR.No.45944

+1cc to Government Pleader SR.No.45970

Ssm

sm:PV:20/09/2016:2P/8C

W.P (MD) .No.15271 of 2016
18.08.2016