



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:01.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

**Writ Petition(MD)No.9419 of 2011
and
M.P(MD)No.1 of 2011**

P.Ayyasamy

... Petitioner

Vs.

1.The Joint Registrar of Co-op Societies,
Sivagangai, Sivagangai District.

2.The Deputy Registrar of Co-op Societies,
Sivagangai,
Sivagangai District.

3.The State of Tamil Nadu,
Rep. By its Secretary to Government,
Food & Co-operation Department,
St. George Fort,
Secretariat, Chennai -9.

4.The Registrar of Co-operative Societies,
O/o.the Registrar of Co-operative Societies,
No.170, E.V.R. High Road,
N.V.Natarajan Maligai,
Chennai 10.

... Respondents

(R-3 & R-4 are impleaded vide order, dated 01.11.2016
in WMP(MD)No.14891/2016 passed by MGRJ)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records relating to the impugned charge memo issued by the 2nd respondent in his proceedings Na.Ka.No.3303/2008/g.bjh, dated 13.10.2008 and quash the same as illegal.

For Petitioner : Mr.C.Venkatesh Kumar
For Respondents : Mrs.S.Bharathi,
Government Advocate

ORDER

The Writ Petitioner has challenged the charge-memo issued by the first respondent in Na.Ka.No.3303/2008/g.bjh, dated 13.10.2008.

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2. The charge-memo came to be issued on the eve of the retirement of the petitioner, for an incident, which had taken place four years before his date of superannuation. The gravamen of the charge is that he failed to monitor the discrepancies in sanctioning of loan as custodian of the administration of the Institution.

3. The learned counsel for the petitioner would contend that the charge-memo is vague and belated one and hit by Rule 9 of Tamil Nadu Pension Rules.

4. The learned Government Advocate appearing for the respondents would state that the disciplinary proceedings are over and the petitioner was given an opportunity to submit his explanation on the enquiry report, which has done on 12.07.2010 and the matter has been referred to the fourth respondent for passing final orders, by the first respondent through his letter R.C.No.7626 of 2008/g.bjh, dated 09.12.2011 and final order is yet to be passed.

5. I have considered the arguments of the learned counsel appearing for the respective parties.

6. Without going into the merits of the case, a direction is issued to fourth respondent to pass final orders on the proposal sent by the first respondent, dated 09.12.2011, within a period of four weeks from the date of receipt of a copy of this order, failing which, the charge-memo issued against the petitioner shall stand quashed automatically on account of enormous delay in completing the disciplinary proceedings.

The Writ Petition is disposed of accordingly. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

pm

To

1.The Joint Registrar of Co-op Societies,

<https://hcservices.ecourts.gov.in/hcservices/>

Sivagangai District.



2.The Deputy Registrar of Co-op Societies,
Sivagangai,
Sivagangai District.

3.The State of Tamil Nadu,
Rep. By its Secretary to Government,
Food & Co-operation Department,
St. George Fort,
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4.The Registrar of Co-operative Societies,
O/o.the Registrar of Co-operative Societies,
No.170, E.V.R. High Road,
N.V.Natarajan Maligai,
Chennai 10.

+1CC to M/s.Ajmal Associates, SR.No.64795
+1CC to Spl.Government Pleader Sr.No.64939

GJM/DB/21.11.16-3p-7c

W.P(MD)No.9419 of 2011
01.11.2016