

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8761 of 2017

and

WMP.No.9606 of 2017

L.Selvam

.. Petitioner

-vs-

- 1.The Registrar of Co-operative Societies,
No.170, Periyar EVR High Road,
Kilpauk, Chennai - 600 010.
 - 2.The Joint Registrar of Co-operative Societies,
No.407, 4th Floor,
New Collectrate Office,
Tiruppur - 641 604.
 - 3.The Deputy Registrar of Co-operative Societies,
No.24/2, Katcheri Street,
Dharapuram - 638 656,
Tiruppur District.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of CERTIORARI FIED MANDAMUS, to call for the records of the second respondent in pursuant to the impugned order of suspension passed by him in his proceedings R.C.No.92/2015 A1 dated 06.01.2015 and consequential impugned order passed by him vide his proceedings R.C.No.92/2015 A1 dated 27.12.2016 rejecting the representation of the petitioner dated 04.04.2016 and to quash the same by directing the respondents to reinstate the petitioner in service with all service and monetary benefits.

For Petitioner : Mr.S.Nagarajan

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

O R D E R

Heard Mr.S.Nagarajan, learned counsel appearing for the petitioner and Mr.L.P.Shanmugasundaram, learned Special Government Pleader appearing for the respondents. With the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal at the admission stage.

2.The writ petitioner was holding the post of Co-operative Sub Registrar/Field Officer in Gudimangalam block under the control of the Deputy Registrar of Co-operative Societies, Dharapuram. The petitioner was placed under suspension in proceedings dated 06.01.2015 on the ground that an enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 was initiated due to the misappropriation found out in the Co-operative Societies.

3.Earlier, the writ petitioner filed W.P.No.38396 of 2016 and this Court by an order dated 04.11.2016, directed the second respondent to consider the representation of the petitioner dated 04.04.2016, on merits and in accordance with law and pass appropriate orders within a period of four weeks from the date of receipt of a copy of that order.

4.In implementation of the orders of this Court the Joint Registrar of Trippur region passed an order in R.C.No.92/2015 A1 dated 27.12.2016 assigning the reason as extracted below:

"6.Whereas the petitioner has worked as Co-operative Sub Registrar/Field Officer of the Kudimangalam block during the period from 01.06.2012 to 05.01.2015 under the control of Joint Registrar of Co-operative Societies, Tiruppur Region, Tiruppur and whereas in the course of enquiry conducted under Section 81 of Tamil Nadu Co-operative Societies Act 1983 into the affairs of K797 Kongalnagaram Primary Agricultural Co-operative Society, irregularities in various aspects to the tune of Rs.12.70 crores was detected, in which the petitioner was involved and whereas the Joint Registrar of Co-operative Societies, Tiruppur Region, being the competent authority, has placed the petitioner under suspension in the proceedings R.C.No.92/2015/A1 dated 06.01.2015 for the irregularities noticed in the affairs of K 797 Kongalnagaram Primary Agricultural Co-operative Credit Societies; and

7.Whereas disciplinary action was initiated against the petitioner by the Deputy Registrar of Co-operative Societies, Dharapuram Circle by

framing charges in his Charge Memo No.721/2016/SF dated 19.05.2016 under rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rule for the lapses noticed on his part while he was holding the post of Field Officer of Kudimangalam block in the issue of various aspects and caused loss to the tune of Rs.12.70 crores to the funds of the society and a proposal has been submitted to the Superintendent of Police, Commercial Crime Investigation Wing, Chennai on 07.06.2016 by Deputy Registrar, Dharapuram to file a criminal case in this regard which is under perusal at CCIW, Chennai office;"

5.Recording the above facts, the Joint Registrar came to a conclusion that a criminal case has been initiated against the writ petitioner regarding misappropriation and financial loss to the tune of Rs.12.70 crores to the office of K797, Kongalnagaram Primary Agricultural Co-operative Credit Society.

6.The Deputy Registrar of Co-operative Societies, Dharapuram through his complaint dated 07.06.2016 to the Superintendent of Police, CCIW, Chennai registered the complaint and the investigation is in progress by the Commercial Crime Investigation Wing. Meanwhile, a charge memo was also issued under Rule 17(B) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, vide memo dated 19.05.2016 and the same was served to the writ petitioner on 23.05.2016. Further, it is asserted that Subsistence Allowance has also been sanctioned to the writ petitioner.

7.This Court is of the view that the nature of the allegations raised against the writ petitioner is undoubtedly serious. This apart, the alleged misappropriation or loss is running to the tune of Rs.12.70 Crores. No doubt at this point of time, the merit regarding the allegations need not be considered. But, a prima facie allegation against the writ petitioner is that he is also one of the persons responsible for such loss or misappropriation. This apart, a criminal complaint was also registered by the Co-operative Department with the CCIW and the investigation is in progress.

8.Under these circumstances, it is not advisable to revoke the order of suspension which will cause prejudice to the prospective investigation in these kind of matters. Furthermore, in the case of misappropriation that is to the tune of more than Rs.12.70 crores, this Court is not inclined to grant any relief to the writ petitioner, more specifically with regard to the revocation of suspension and reinstatement. Such

being the factum of this case, the writ petition deserves no further consideration.

9. Accordingly, the writ petition stands dismissed. Consequently, connected Miscellaneous Petition is closed and however, no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ah/rpa

To

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No.24/2, Katcheri Street,
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Tiruppur District.

+1cc to Mr.S.Nagarajan, Advocate SR.No.46824
+1cc to the Government Pleader SR.No.46902

W.P.No.8761 of 2017

EV(CO)
GN(19/07/2017)

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