

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.21332 of 2017 and

WMP.No.22271 of 2017

Jolarpet Co-operative Urban Bank Limited,
No.10383, No.8, Varadharaj Mudali Street,
Jolarpet 635 851,
rep.by its President,
K.M.Pushpanathan,

... Petitioner

Vs.

1. The Joint Registrar of Co-operative Societies,
Vellore Region,
Vellore

2. Deputy Registrar of Cooperative Societies,
Tirupattur Circle,
Tirupattur,
Vellore District.

3. S.Amudha

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pass orders for appointing an Enquiry Officer to conduct inspection under Section 82 of Tamil Nadu Co-operative Societies Act in respect of affairs of Jolarpet Co-operative Urban Bank Limited, No.10383 other than the third respondent, based on the representation submitted by the Petitioner dated 26.07.2017 within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.G.Sankaran

For Respondents: Mr.V.Selvaraj, Additional
Government Pleader for R1 & R2

: Mr.K.Rajendran for R3

O R D E R

According to the learned counsel for the petitioner, the petitioner is the President of Jolarpet Co-operative Urban Bank Limited, No.10383, No.8, Varadharaj Mudali Street, Jolarpet 635 851. When the Board of Directors assumed charges on 09.05.2013, the third respondent was working as Managing Director. The post of Managing Director of the Cooperative Bank is a Paid Officer from the bank's fund in order to reduce the establishment contingency and to protect the financial stability of the bank. The bank passed resolution to send back the third respondent from the regular post of Managing Director of the Cooperative Bank and to appoint any one as incharge basis. Based on that, the third respondent was withdrawn from the regular post of Managing Director and one Thiru.R.Prem, CSR was appointed as Managing Director on additional charge basis. Subsequently, one Thiru.K.Sathyanarayan was appointed as Managing Director on additional basis who is working as such till date. The second respondent ordered for an inspection with regard to the affairs of the bank and the third respondent was appointed as enquiry officer as per the proceedings issued by the second respondent dated 01.11.2016. According to the petitioner, the third respondent was already served as Special Officer and Managing Director of the Bank and further when the board assumed charge in the year 2013, based on the board's request, she was withdrawn from that post. As appointing the third respondent as the enquiry officer would prejudice the enquiry, the petitioner and other Board of Directors submitted a representation dated 26.07.2017 to the second respondent seeking to change the enquiry officer, but the third respondent has issued notice for enquiry dated 19.07.2017 by fixing the date of enquiry on 25.07.2017. Therefore, the petitioner has filed this writ petition to change the enquiry officer.

2. The learned counsel for the petitioner would submit that the time may be extended for further period to complete enquiry by appointing some other Sub Registrar as enquiry officer to conduct the enquiry under Section 82 of the Tamil Nadu Cooperative Societies Act, 1983

3. The third respondent has filed counter affidavit by admitting that the third respondent was served as a Special Officer prior to the assumption of Board on 09.05.2013 and also served as a Managing Director for the period ended upto 10.08.2013 and hence for those periods the third respondent has been excluded from the scope of 'Inspection', since the reported misdemeanors were occurred after demitting the Office.

4. In the aforesaid statements made by the parties as well as the admissions made in the counter affidavit, in the interest of justice, this Court is inclined to pass the

following orders.

i) The second respondent is directed to appoint any other inspection officer to conduct the enquiry on the affairs of the petitioner bank within a period of four weeks from the date of receipt of a copy of this Order.

ii) The present inspection officer is also directed to submit the reports or the materials to the Deputy Registrar within a period of one week.

iii) On receipt of the said reports or the materials, the second respondent is directed to forward the same to the concerned inspection officer for conducting enquiry.

iv) Further, after appointing an inspection officer, the inspection officer shall complete the enquiry as expeditiously as possible as prescribed under the Act.

5. The Writ petition is disposed of with above directions. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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1.The Joint Registrar of Co-operative Societies
Vellore Region Vellore

2.The Deputy Registrar of Co-operative Societies
Tirupattur Circle,
Vellore District

+1 cc to M/s.G.Sankaran Advocate sr 62024

+1 cc to Government Pleader sr 62424

+1 cc to M/s.K.Rajendran Advocate sr62040

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