

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.02.2017

CORAM:

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.2782 of 2017 &
M.P.Nos.2717 & 2718 of 2017

S.Radhakrishnan
S/o.Saminathan

.. Petitioner

Vs.

The Deputy Registrar of Co-operative Societies.
Villupuram Circle,
Backside of the District Collector Office,
Villupuram,
Villupuram District.

.. Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari, calling for the entire records relating to the impugned order passed by the respondent in his proceedings in Na.Ka.No.3989/2016/Ku.N.9, dated 14.12.2016 and quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.V.Selvaraj

Additional Government Pleader (Co-op.)

O R D E R

The writ petition has been filed challenging the correctness of the impugned order dated 14.12.2016 passed by the Deputy Registrar of Co-operative Societies, Villupuram Circle and to quash the same and consequently directing the respondent to furnish a copy of the report filed under Section 81 of Tamil Nadu Co-operative Societies Act.

2.Learned counsel for the petitioner would submit that when the petitioner was appointed as Salesman in the E.2028, Kandamanadi Primary Agricultural Co-operative Credit Society, Kandamanadi Post-605 401, Villupuram Taluk and District, he was promoted as Clerk and further promoted as Assistant Secretary. After sometime, he was also asked to discharge the functions of the Secretary Incharge. While he was discharging his duties as Secretary Incharge, on 16.11.2013, the President of the society

suspended the petitioner from service and subsequently he was also issued with a charge memo dated 02.12.2013, for which the petitioner submitted his detailed explanation on 16.12.2013. However, the same was not accepted by the President and a domestic enquiry officer was appointed. To go into correctness of the allegations, he made a request to furnish the relevant documents to prove his innocence. But the same has not been answered. Therefore, he preferred a Statutory Revision under Section 153 of Tamil Nadu Co-operative Societies Act before the Joint Registrar of Co-operative societies Villupuram Region and the same is also pending.

3.It is further claimed that when an enquiry under Section 81 of Tamil Nadu Co-operative Societies Act in respect of the alleged irregularities committed by the then Secretary one Chandran and Cashier and Senior Clerk was conducted and a report thereon was also submitted, the petitioner made a request before the respondent on 02.01.2017 requesting to furnish copy of the documents including the enquiry report filed under Section 81 and Inspection report under Section 82 and relevant documents which are related to surcharge proceedings. Since a copy of the report filed under Section 81 has not been furnished to the petitioner, he has come to this Court questioning the same.

4.Mr.V.Selvaraj, the learned Additional Government Pleader (Co-op) takes notice on behalf of the respondent.

5.As the petitioner has already submitted his representation dated 02.01.2017 requesting the respondent to furnish copy of the documents including report under Section 81 of the said Act and also connected documents, no prejudice would be caused to the respondent by furnishing copy of the report filed under Section 81 and also other relevant documents relied upon by the respondent. Therefore, this Court directs the respondent herein to consider the petitioner's representation dated 02.01.2017 and furnish copy of the report filed under Section 81 of the Act and also relevant documents within a period of two weeks from the date of receipt of a copy of this order and thereafter to proceed with in the manner known to law.

6.With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

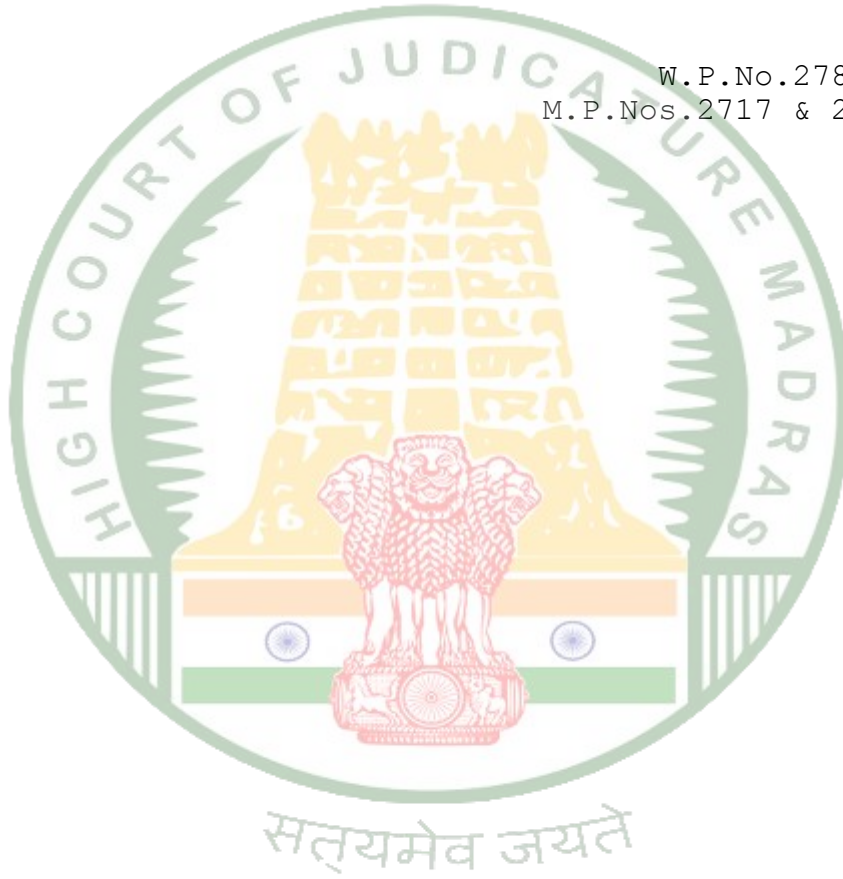
To

The Deputy Registrar of Co-Operatives Societies
Villupuram Circle
Backside of the District Collector Office,
Villupuram,
Villupuram District.

+1 CC to Mr. C.Prakasam, Advocate sr 7186
+1 CC to Govt. pleader sr 8147

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MG (CO)
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