

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2017

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.19696 of 2017

S.Santhanaraman

..Petitioner

Vs.

1. The Registrar of Cooperative Societies,
170, EVR Road,
N.V.Natesan Maligai,
Kilpauk, Chennai-10

2. Shajahan,
President,
T-1344, Needamangalam,
Primary Agriculture Cooperative
Credit Society,
Needamangalam,
Thiruvarur District.

3. Mr.C.Anbalagan,
Salesman,
T-1344, Needamangalam,
Primary Agriculture Cooperative
Credit Society,
Needamangalam,
Thiruvarur District.

.. Respondents

PRAYER:

The Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the first respondent to hold an enquiry and realize the amount misappropriated by the respondents 2 and 3.

For Petitioner : Mr.V.Bhiman

For Respondents : Mr.L.P.Shanmuga Sundaram,
Special Government Pleader for R1

: Mr.K.Rajendran for R2 & R3

ORDER:

According to the learned counsel for the petitioner, the petitioner was working as a Secretary in T-1344, Needamangalam, Primary Agricultural Cooperative Credit Society, Needamangalam, Thiruvarur District. The petitioner was restrained from functioning as Secretary by the President of the Society. The president is also trying to appoint one, Mr. Anbalagan / the third respondent as Secretary who has no minimum qualification and against whom a contempt petition in No. 2565 of 2016 in W.P.No.35094 of 2016 has been filed. The President had stated that the Joint Registrar of Thiruvarur had instructed to remove the petitioner from the post of Secretary and appoint the third respondent in that place and a resolution was passed to the said effect. The second and third respondents have misappropriated a huge amount of money from the account of the bank. Even after the stay was granted by this Court in W.P.No.35094 of 2016, the second respondent had temporarily suspended the petitioner on the direction of the Joint Registrar. Several malpractices have been committed by the second and third respondents. The petitioner made representation dated 27.12.2016 to the first respondent along with particulars to substantiate allegations against the second and third respondents and subsequently on 28.04.2017 to the first and second respondents, but even after a lapse of six months, the first and second respondents have not initiated any action. Further, the petitioner has filed Crl.OP.No.2829/2017 before this Court against the second respondent and the said petition is pending. The second respondent has not sanctioned the salary for the petitioner from the month of February 2017 and has disbursed the salary to other employees without the signature of the petitioner, who is competent to sign. Hence, the petitioner has filed this writ petition.

2. The learned Special Government Pleader, on instruction, would submit that the second respondent has considered the said representation and there is no materials placed by the petitioner to substantiate his allegation against the second and third respondents.

3. The learned counsel for the petitioner would submit that necessary materials have been placed before the respondents authority to substantiate his allegations against the respondents 1 and 2. Further requested that already the enquiry was conducted by the second respondent. Therefore, it may not be fair if an enquiry is conducted by the second respondent and hence, the first respondent can conduct the enquiry on the petitioner's representation.

4. Now, the learned Special Government Pleader would submit that if the petitioner make a fresh representation along with the necessary materials to the first respondent, the same shall be considered in accordance with law on merits.

5. Both the parties have agreed that the first respondent may conduct a fresh enquiry.

6. In view of the submissions made by the counsel for the parties, the writ petition is disposed of with liberty to the petitioner to make a fresh representation along with the necessary materials to the first respondent within a period of two weeks from today. Thereafter, the first respondent or an officer not below the rank of Joint Registrar shall consider the petitioner's representation, if any made, on merits and in accordance with law, as expeditiously as possible and pass orders preferably within period of eight weeks thereof. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Registrar of Cooperative Societies,
170, EVR Road,
N.V.Natesan Maligai,
Kilpauk, Chennai-10

+1cc to Mr.V.Bhiman, Advocate, S.R.No.57217

+1cc to the Government Pleader, S.R.No.56894

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AR(CS V)
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