



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 16.06.2017

CORAM

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**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

**WA(MD)No.213 of 2015
in
W.P. (MD)No.16142 of 2012
and
MP(MD)No.1 of 2015**

1. The Secretary to Government,
Co-operation Food and Consumer
Production Department,
Fort St. George, Chennai - 9.
2. The Registrar of Co-operative Societies,
Kilpauk, Chennai.
3. The Joint Registrar of Co-operative Societies,
Tirunelveli Region, Tirunelveli. ... Appellants
Vs.

- 1.V.Veeramani ...Respondent No.1
- 2.Mr.Ganapathy,
The Enquiry Officer/Deputy Registrar,
Co-operative Societies,
Medai Thalavai Kumarasamy Co-operative
Management,
Tirunelveli. ...Respondent No.2

PRAYER: Petition filed under Clause 15 of Letter Patent, praying to set-aside the order passed in W.P.(MD)No.16142 of 2012 dated 23.07.2014 on the file of this Court and allow the appeal.

Prayer in WP(MD). 16142/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus by calling for the records of the impugned order of the 1st respondent in G.O.(D) No.285 dated 15.10.09 confirming the orders of the respondents 2 & 3 dated 20.07.06 in Na.Ka.13904/2005 Pa.Voo and 11.06.08 in Na.Ka.110211/07/Ona.3 respectively and quash the same and further direct the respondents to pay all the monetary and service benefits which are taken away on the basis of the impugned orders and pass such other and



further orders as this Hon ble Corut may deem fit to the facts and circumstances of the case.

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For Petitioners : Mr.V.Muruganantham
Additional Government Pleader

For Respondent 1 : Mr.H.Arumugam

For Respondent 2 : No appearance

ORDER

[Order of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.V.Muruganantham, learned Additional Government Pleader appearing for the petitioners and Mr.H.Arumugam, learned counsel appearing for the first respondent.

2. This appeal is directed against the order, dated 23.07.2014, in W.P.(MD)No.16142 of 2012, filed by the first respondent herein, challenging the order of punishment dated 15.10.2009, passed by the first appellant herein, confirming the order dated 20.07.2006 passed by the second appellant and to direct the appellants to sanction all monetary and service benefits. The first respondent was working as a special Officer under the control of the Deputy Registrar of the Co-operative Societies, Cheranmahadevi. Charge proceedings were issued to him on 30.06.2005 containing four articles of charges. The first respondent denied the charges and therefore the authorities were directed to conduct enquiry.

3. In the domestic enquiry, there was no oral evidence. However, ultimately, on 20.07.2006, the third respondent passed an order of punishment of stoppage of increment for one year without cumulative effect. The statutory appeal filed by the first respondent was dismissed and the revision which was filed also dismissed confirming the punishment. This was put to challenge before the Writ Court by filing a writ petition in the year 2012.

4. Though the Writ Petition came up for hearing after two years, no counter affidavit was filed by the appellants herein. The Court heard the matter and perused the records and pointed that there was no oral evidence let in against the first respondent in respect of the charges during enquiry and no opportunity was afforded to the first respondent to challenge documents, which were placed before the ensuing officer. Further, it was pointed out that in respect of very same allegations, an enquiry was held by one Mr.Ganapathy, Deputy Registrar of the Co-operative Societies, and hence, he had pre determination and therefore, he was not competent to hold the enquiry as he was



biased and therefore, his report cannot be accepted.

5. Ultimately, the Court held that the punishment is a minor penalty in respect of the incident which occurred in the year 2005 and observed that there is serious violation of principles of natural justice, allowed the Writ Petition and set aside the order of punishment. The Writ Court also assigned specific reasons as to why the matter need not be remanded for fresh consideration. The reasons assigned by the writ Court is in order and does not call for any interference, especially considering the minor penalty which was issued to the first respondent. Thus, we find no ground to differ with the view taken by the Writ Court. This Writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

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- 2.The Registrar of Co-operative Societies,
Kilpauk, Chennai.
- 3.The Joint Registrar of Co-operative Societies,
Tirunelveli Region, Tirunelveli.

+1 cc to Special Government Pleader in SR.No.60807

+1 cc to Mr.H.Arumugam, Advocate in SR.No.60790

SM/TA

AE/MR KKR/SAR2/07.07.2017/3P/6C

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