



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 04.05.2017
CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

WEB COPY

W.P. (MD) No. 8767 of 2017
and
W.M.P. (MD) No. 6717 of 2017

M.Premalatha : Petitioner

-Vs-

- 1.The Registrar of Co-operative Societies,
Poonamallee High Road, Kilpauk,
Chennai.
 - 2.The Deputy Registrar of Co-operative Societies,
Tiruchirapalli Range,
Tiruchirapalli-20.
 - 3.The Co-operative Sub-Registrar,
Varaganeri Town Co-operative Bank,
Tiruchirapalli District.
 - 4.The Managing Director/Joint Registrar/
Special Officer,
No.178, Tiruchirapalli Central Co-operative Bank Ltd.,
Tiruchirapalli-2.
 - 5.The General Manager,
Tiruchirapalli Central Co-operative Bank Ltd.,
Rockfort Branch,
Tiruchirapalli District.
- : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the charge memo of the fourth respondent herein bearing No.972-09/N-2, dated 21.02.2017 and the proceedings No.1381/09(N2)/A10, dated 24.04.2017 of the fourth respondent and quash the same and forbear the respondents from taking any action against the petitioner pursuant to the same.

For Petitioner	: Mr.G.R.Swaminathan, For M/s.AL.Ganthimathi
For Respondents 1to3	: Mr.T.S.Mohammed Mohideen, Additional Government Pleader
For Respondents 4&5	: Mr.D.Shanmugaraja Sethupathy

O R D E R

This Writ Petition has been filed seeking for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the charge memo of the fourth respondent herein bearing No.972-09/N-2, dated 21.02.2017 and the proceedings No.1381/09(N2)/A10, dated 24.04.2017 of the fourth respondent and quash the same and forbear the respondents from taking any action against the petitioner pursuant to the same.

2. It is seen that the petitioner was visited with proceedings under Section 81 of the Tamil Nadu Co-operative Societies Act [hereinafter referred to as "the Act"] and thereafter, the proceedings under Section 87 of the Act were initiated against her, challenging which, she filed W.P.(MD)No.13797 of 2016 and obtained interim stay of the notice issued under Section 87 of the Act, by order dated 03.08.2016. While so, the Co-operative Society has initiated disciplinary action against the petitioner and had issued a charge memo dated 21.02.2017, challenging which, the petitioner is before this Court.

3. Heard Mr. Mr.G.R.Swaminathan, learned counsel appearing for the petitioner, Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader, who takes notice on behalf of the respondents 1 to 3 and Mr.D.Shanmugaraja Sethupathy, learned counsel, who takes notice on behalf of the respondents 4 and 5.

4. Mr.G.R.Swaminathan, learned counsel for the petitioner submitted that when this Court is seized of the challenge to the 81 enquiry, the present charge memo is not sustainable.

5. In the considered opinion of this Court, the proceedings under Sections 81 and 87 of the Act is different and distinct from the departmental action that is sought to be initiated against the petitioner for acts of indiscipline. Therefore, the stay that has been granted by this Court in respect of the notice issued under Section 87 of the Act in the said Writ Petition will not enure to the benefit of the petitioner in this proceedings. That apart, the standard of proof with regard to the proceedings under Section 81 is different from the standard of proof in the disciplinary proceedings. Therefore, the challenge to the charge memo in this Writ Petition is premature.

6. In the result, this Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.



7. However, it is represented that the time for giving explanation to the charge memo is expiring tomorrow (05.05.2017). Under such circumstances, this Court grants two weeks time to the petitioner to reply to the charge memo dated 21.02.2017.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

1.The Registrar of Co-operative Societies,
Poonamallee High Road, Kilpauk,
Chennai.

2.The Deputy Registrar of Co-operative Societies,
Tiruchirapalli Range,
Tiruchirapalli-20.

3.The Co-operative Sub-Registrar,
Varaganeri Town Co-operative Bank,
Tiruchirapalli District.

+One cc to M/s.AL.Ganthimathi, Advocate, SR.No.55653

+One cc to Mr.D.Shanmugaraja Sethupathy, Advocate, SR.No.55533

+One cc to The Special Government Pleader, SR.No.55788

SML

RL/7C/3P/SV/SARAD/5.5.2017

Order made in
W.P. (MD) No.8767 of 2017
and
W.M.P. (MD) No.6717 of 2017