

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12-12-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.39026 to 39028 of 2005

and

WPMP.Nos.41790 to 41792 of 2005

1. T.S.Prakash (in WP.No.39026)
Asst.Manager, Dairy (Quality Control),
Vellore - Thiruvannamalai District
Co-operative Milk Producers Union,
Vellore.
 2. S.Chandran (in WP.No.39027)
Junior Engineer (Electrical),
Vellore - Thiruvannamalai District
Co-operative Milk Producers Union,
Vellore-9.
 3. V.Manimegalai (in WP.No.39028)
Asst. Dairy Chemist,
Vellore - Thiruvannamalai District
Co-operative Milk Producers Union,
Vellore-9.
- ... Petitioners

...Vs...

1. Deputy Registrar (Dairy),
Vellore - Thiruvannamalai District
Co-operative Milk Producers Union,
Vellore.
2. Managing Director,
Vellore - Thiruvannamalai District
Co-operative Milk Producers Union,
Vellore.
3. The Co-operative Sub Registtrar (Enquiry Officer),
Office of the Deputy Registrar (Dairy),
Vellore - 6.
4. The Inspector of Police,
Commercial Crime Investigation Wing (CID),
Vellore.

... Respondents
(in all the writ petitions)

COMMON PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 4 to forbear from proceeding further on the basis of the enquiry report against the petitioner, without following due process of law and without issuing the copy of the enquiry report dated 23.07.2004.

For Petitioner : Mrs.S.Hemalatha

For Respondent 1,3,4 : Mrs.T.Girija
Government Advocate

For Respondent 2 : No appearance
(for all 3 writ petitions)

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents 1 to 4 to forbear the proceeding further on the basis of the enquiry report against the petitioner, without following the due process of law and without issuing a copy of the enquiry report dated 23.07.2004.

2. Under Section 80 of the Tamil Nadu cooperative Societies Act deals with inspection. Section 81 of the Act denotes enquiries. The Registrar on receipt of any information in respect of any irregularities, misappropriation or illegalities shall pass an order to conduct an enquiry in to the affairs of the Cooperative Societies across the State. Section 81 enquiry is a statutory enquiry and Enquiry Officer appointed has to inspect all the documents and submit a report in detail in respect of the irregularities or illegalities. Thus, the statutory enquiry report submitted to the Registrar need not be furnished to the employees of the Cooperative Societies. If at all any action is taken pursuant to the report, thereafter they may seek the relevant records at the time of enquiry by submitting appropriate application before the Authorities concerned.

3. Based on Section 81 enquiry report, threefold actions are permissible. The Competent Authority on scrutiny of the enquiry report submitted under Section 81 of the Act shall initiate disciplinary proceedings against the employees concerned and surcharge proceedings under Section 87 of the Act also shall be initiated and this apart, criminal prosecution also can be initiated by filing complaint before the Commercial Crime Investigation Wing of the Police Department. All the three actions can be initiated simultaneously against the persons who all are liable for such irregularities or illegalities.

4. This being the spirit of the provision under the Act, this Court is of an opinion that the relief as such sought for to forbear from proceeding further on the basis on the enquiry report is absolutely misconceived and such a relief cannot be granted and the Authorities Competent are bound to proceed with all further actions based on enquiry report by following procedures contemplated under law. Thus, the writ petitioner has failed to establish any legally acceptable grounds for the purpose of granting relief.

5. Accordingly, the writ petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Pkn

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. Deputy Registrar (Dairy),
Vellore - Thiruvannamalai District
Co-operative Milk Producers Union,
Vellore.
2. Managing Director,
Vellore - Thiruvannamalai District
Co-operative Milk Producers Union,
Vellore.
3. The Co-operative Sub Registrar (Enquiry Officer),
Office of the Deputy Registrar (Dairy),
Vellore - 6.
4. The Inspector of Police,
Commercial Crime Investigation Wing (CID),
Vellore.

+1cc to the Govt.Pleader, Advocate, S.R.No.86689

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KJI (CO)
KAK(11/01/2019)