

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 6.6.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.No.579 of 2018
and
C.M.P.No.5548 of 2018

L.Selvam ...Appellant/Petitioner

Versus

- 1 The Registrar of Cooperative Societies
No.170 Periyar EVR High Road
Kilpauk Chennai-600010
- 2 The Joint Registrar of Cooperative Societies
No.407 4th Floor New Collectorate Office
Tiruppur- 641 604
- 3 The Deputy Registrar of Cooperative Societies
24/2 Katcheri Street Dharapuram
Tiruppur District ...Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 5.7.2017 passed in W.P.No.8761 of 2017 on the file of this court.

PRAYER IN WP.8761 OF 2017:

Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus to call for the records of the 2nd respondent in pursuant to the impugned order of suspension passed by him in his proceedings R.C. NO.92/2015 A1 dated 06.01.2015 and consequential impugned order passed by him vide his proceedings R.C. NO.92/2015 A1 dated 27.12.2016 rejecting the representation of the petitioner dated 04.04.2016 and to quash the same by directing the respondents to reinstate the petitioner in service with all service and monetary benefits.

For appellant : Mr.C.Prakasam

For respondents : Mr.L.P.Shanmugasundaram,
Special Government Pleader

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties.

2. The intra-court appeal challenges the order passed by the learned Single Judge declining to interfere with the order of suspension which was put to challenge in the writ petition.

3. It appears that on the allegation of misappropriation of funds, the appellant was placed under suspension vide proceedings dated 6.1.2015. Since the representation submitted by the appellant to the authorities were rejected, the appellant had come up with the present writ petition seeking indulgence of the court. The learned Single Judge, after elaborate discussion, having found that the nature of allegations raised against the appellant is serious and the alleged misappropriation or loss is running to the tune of Rs.12.70 crores and the investigation with regard to the criminal complaint that was also registered against him by the Co-Operative Department is in progress, declined to interfere with the order of suspension.

4. Having heard the learned counsel appearing for the parties and perused the materials available on record, we find that the enquiry under section 81 of the Tamil Nadu Co-operative Societies Act, 1983 reveals that the appellant failed to supervise the Society properly and thereby committed the alleged irregularities. Therefore, we are of the view that since criminal investigation is pending, unless the same is completed, it would not be appropriate to take any lenient view at this point of time. Therefore, the writ appeal is dismissed confirming the order passed by the learned Single Judge. No costs. The connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

ssk.

To:

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Tiruppur District

+1cc to Mr.C.PRAKASAM, Advocate, S.R.No.35801
+1cc to the Government Pleader, S.R.No. 35312

W.A.No.579 of 2018

CP (CO)
TR(27/06/2018)



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