

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.02.2018

Coram:

The Hon'ble Mr.Justice T.RAJA

Writ Petition No.2328 of 2018

S.Prabhu

.. Petitioner

Versus

1. The Registrar of Co-operative Societies
170, E.V.R. High Road,
Kilpauk, Chennai-600 010.

2. The Joint Registrar/Managing Director,
Kancheepuram District Consumers
Co-operative Wholesales Stores Ltd.,
Chennai - 600 108.

3. Mr.Venu,
The Enquiry Officer,
No.185, Prakasam Salai,
Chennai-600 108.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a writ of mandamus to forbear the respondents from proceed with enquiry pursuant to the Charge Memo dated 5.8.2017, without furnishing copies of documents and without disbursing the subsistence allowance from 20.07.2017 as requested by the petitioner by the representation dated 12.10.2017 and then proceed with the enquiry into the charges.

For Petitioner

.. Mr.J.Muthukumaran

For Respondents 1& 2..

Mr.L.P.Shanmughasundaram,

Spl.Govt.Pleader

2. The writ petition has been filed with two prayers, one for directing the respondent to furnish copy of the report mentioned in the charge memo dated 5.8.2017 and the other for disbursing the subsistence allowance from 20.07.2017.

3. The petitioner was appointed as Paker (Sales Assistant) in April 2013 in Shop No.2, Meenambakkam and subsequently he was transferred to Shop No.5 (JDO 83) at Alandur. The petitioner was placed under suspension on 20.07.2017 on the basis of the

inspection report dated 18.07.2017 of the Deputy Registrar (Public Distribution System), for alleged irregularities committed by him in Alandur Branch of the stores to the tune of Rs.2,19,625/-. The second respondent issued a Charge memo dated 05.08.2017 calling upon him to offer his explanation. The petitioner has submitted his explanation dated 22.8.2017, denying the charges framed against him and also requested to furnish him copies of documents on the basis of which the charge memo has been issued. The second respondent without considering the request of the petitioner and without giving opportunity to defend the case effectively, had conducted enquiry. The petitioner has given a representation dated 13.10.2017 to the second respondent requesting to produce the copies of documents related to the charge memo. However, the second respondent without considering his request for production of documents, passed an order of suspension dated 20.07.2017 initially for a period of three months and thereafter for another three months from 18.10.2017. However, subsistence allowance due to the petitioner has not been disbursed to him till date. Hence, this writ petition.

4. Heard Mr.J.Muthukumaran, learned counsel appearing for the petitioner and Mr.L.P.Shanmughasundaram, learned Special Government Pleader takes notice for the respondents 1 and 2.

5. The writ petition has been filed with two prayers one for directing the respondent to furnish copy of the report and the other for a direction to the second respondent to disburse the subsistence allowance.

6. The learned counsel for the petitioner would submit that there was an inspection conducted for the period from 01.01.2017 to 31.03.2017 by the Deputy Registrar (Public Distribution System, and a report dated 18.07.2017 was made. Based on the report a charge memo dated 5.8.2017 was issued alleging irregularities committed by the petitioner. The petitioner has submitted his explanation dated 22.8.2017 and representation dated 13.10.2017 dated to the second respondent requesting to produce the copies of documents related to the charge memo. However, the second respondent without considering his request for production of documents, passed an order of suspension dated 20.07.2017 for a period of three months and it was extended from 18.10.2017 for further period of three months. The petitioner is entitled for subsistence allowance from 20.07.2017. However, subsistence allowance has not been disbursed to him to till date.

7. The learned Special Government Pleader submits that although the petitioner has perused all the documents he is entitled for copy of the same and the second respondent would provide the copies of the documents to the petitioner forthwith. The learned Special Government Pleader has agreed to redress the

grievance regarding payment of subsistence allowance.

8. In view thereof, the second respondent is directed to furnish copy of the enquiry report and other documents required by the petitioner. The second respondent is further directed to disburse the subsistence allowance if any due to the petitioner forthwith. The petitioner is directed to cooperate with the enquiry.

9. With the above direction, the writ petition is disposed of. No costs. Consequently W.M.P.No.2844 of 2018 is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

gr.

To

1. The Registrar of Co-operative Societies
170, E.V.R. High Road,
Kilpauk, Chennai-600 010.
2. The Joint Registrar/Managing Director,
Kancheepuram District Consumers
Co-operative Wholesales Stores Ltd.,
Chennai - 600 108.

+1 cc to M/s.L.P.Shanmugasundaram Advocate sr 8846

+1 cc to M/s.J.Muthu Kumaran Advocate sr 7887

W.P.No.2328 of 2018

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