

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.01.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A No.2246 of 2013

S.Chandramouli

...Appellant/Petitioner

Vs

1.The Registrar of Cooperative Societies (Housing)

Nandhanam, Chennai - 600 035.

2.Tiruchirapalli Cooperative Building Society,

Rep. by its Special Officer,

Anna Nagar, Thennur,

Tiruchirapalli - 620 017.Respondents/Respondents

Prayer:- Writ Appeal filed under clause 15 of the Letter Patent against the order dated 01.08.2013 in W.P.No.13501 of 2010.

Prayer in WP.No.13501/2010:Petition under Article 226 of the Constitution of India, praying for the issue of a writ of certiorarified mandamus, calling for the records of the 1st respondent in Revision Petition Rc. No. 3375/08 SF1 dt 6.4.2010 confirming the order of 2nd respondent in his proceedings Ref. Nil dt 14.3.2009 and quash the same and consequently direct the respondents to pay all backwages and other monetary benefits.

For Appellant : Mr.S.Hemanand

For Respondents: Ms.T.Girija, Government Advocate for R1

Ms.T.P.Savitha for R2

J U D G M E N T

(made by K.K. SASIDHARAN,J.)

The appellant was dismissed from service after conducting enquiry. The order was confirmed by the Registrar of Cooperative Societies. The order was unsuccessfully challenged before the writ Court. Feeling aggrieved by the order dated 1 August 2013, the unsuccessful writ petitioner is before this Court.

2. We have heard the learned counsel for the appellant, the learned Government Advocate for the first respondent and the learned counsel for the second respondent.

3. The appellant functioned as Secretary of Tiruchirapalli Co-operative Building Society. He was suspended from service on 10 May 2002 on allegation of corruption. The disciplinary authority framed charges against him. Thereafter, domestic enquiry was conducted. The disciplinary authority after giving second show cause notice and receiving explanation from the

appellant dismissed him from service. The order was challenged before the revisional authority. The Revisional Authority exercising jurisdiction under Section 153 of the Tamil Nadu Cooperative Societies Act, rejected the revision.

4. The order passed by the disciplinary authority and the revisional order passed by the Registrar of Cooperative Societies indicates that the appellant sanctioned six housing loans and loan instalments were disbursed without verifying the actual stage of construction. Similarly, the appellant sanctioned mortgage loan in respect of a vacant land by making records that there was a completed house. The Society therefore initiated disciplinary proceedings against him. The Enquiry Officer conducted a detailed enquiry and submitted a report. The appellant was given due opportunity before the Enquiry officer to prove his case. The order punishing the appellant was put in issue before the Revisional Authority. The Revisional Authority by way of a considered order rejected the revision.

5. The reasons given by the Revisional Authority to reject the revision are convincing. The Revisional Authority has answered the contentions taken by the appellant. There is no question of re-appreciating those reasons by exercising the power of judicial review. We are therefore of the view that the appellant has not made out a case to interfere with the order passed by the learned single Judge.

6. In the result, the intra court appeal is dismissed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Registrar of Cooperative Societies (Housing)
Nandhanam, Chennai - 600 035.

2.The Special Officer,
Tiruchirapalli Cooperative Building Society,
Anna Nagar, Thennur,
Tiruchirapalli - 620 017.

+lcc to Ms.T.P.Savitha, Advocate Sr.No.6854
+lcc to Government Pleader SR.No.7487

AK(CO)
sm:12.3.2018

W.A No.2246 of 2013