

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.06.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.14708 of 2018 and
WMP.No.17387 of 2018

G.Rathinam

... Petitioner

Vs

- 1.The Registrar of Co-operative Societies,
E.V.R. Road, Kilpauk, Chennai-10.
- 2.The Joint Registrar of Co-operative Societies,
Vellore Region, Vellore District-632 009.
- 3.The Deputy Registrar of Co-operative Societies/
Managing Director,
Petition Enquiry Officer,
C-812, Gudiyattam Town Co-operative Bank,
Gudiyattam Taluk, Vellore District.

4.N.Baskaran

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to appoint some other Enquiry Officer not below the rank of Joint Registrar instead of the 3rd respondent for conducting the enquiry against the 4th respondent on the complaint given by the petitioner dated 28.4.2018.

For Petitioner : Mr.M.P.Rajavelayutham

For Respondents : Mr.L.P.Shanmughasundaram,
Special Government Pleader for
R1 to R3

ORDER

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 1st respondent to appoint some other Enquiry Officer not below the rank of Joint Registrar instead of the 3rd respondent for conducting the enquiry against the 4th respondent on the complaint given by the petitioner dated 28.4.2018.

2. Learned Counsel appearing for the petitioner submitted that while the petitioner was working as a Secretary of Andiyappanur Co-operative Society, he was dismissed from service on 19.5.2014. Aggrieved over the same, he has filed W.P.No.26938/2016 and the same is still pending before this Court. Meanwhile, he has also given a complaint dated 28.4.2018 against the 4th respondent who is at present working as a Deputy Registrar of Co-operative Societies, Tiruppattur stating that the 4th respondent has involved in several misappropriations and caused huge loss to the society to the tune of several Crores of rupees and without following the procedure, he favoured to his favourable subordinates. While so, the 3rd respondent, who was served under the 4th respondent as a Sub-Registrar has been now promoted as Deputy Registrar and appointed as Enquiry Officer in respect of the enquiry pending against the petitioner herein. Therefore, the petitioner

has given a representation dated 28.4.2018 to the respondents 1 and 2 to appoint some other Enquiry Officer.

3. Heard the learned Special Government Pleader appearing for the respondents 1 to 3.

4. This Court is unable to entertain the present writ petition for two reasons. Firstly, the petitioner is no longer in the service of the society as he was already dismissed from service by order dated 19.5.2014. Secondly, the Writ Petition filed by the petitioner in W.P.No.26938/2016 against the said dismissal order is still pending before this Court. While so, he cannot ask for such a relief to appoint any other Enquiry Officer when he is not in service of the said Society.

5. In the result, the Writ Petition fails and the same is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index:Yes/No
Internet:Yes/No
Speaking /Non-speaking order
tsi

T.RAJA, J.

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To

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