

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.04.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.46238 of 2006

and M.P.No.1 of 2006

K.Rajagopal

... Petitioner

Vs.

The Deputy Registrar,
of Co-operative Societies,
Salem Region, Salem-1.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records pertaining to the charge memo dated 18.10.2001 made in Na.Ka.No.3313/96 Pa.Tho .passed by the respondent and quash the same.

For Petitioner : Mr.N.Manokaran

For Respondent : Mr.K.Ravikumar
Addl.Govt.Pleader

O R D E R

This writ petition has been filed seeking issuance of a writ of Certiorari calling for the records pertaining to the charge memo dated 18.10.2001 made in Na.Ka.No.3313/96 Pa.Tho.passed by the respondent and to quash the same.

2. The case of the petitioner is that he was working as Special Officer at Perambalur Co-operative Wholesale Society. Earlier, he was holding the post of the Special Officer at Panaimarathupatti Multi Purpose Industrial Labour Co-operative Society for the period between 03.06.1994 and 31.05.1996. Thereafter, the respondent had issued a charge memo dated 18.10.2001 stating that the petitioner has caused loss to the tune of Rs.12,54,593/-. Thereafter, the petitioner made a representation dated 16.11.2011 to the respondent to furnish the relevant documents referred to in the charge memo dated 18.10.2001. The said document has not been furnished to the petitioner. On 03.01.2003, the petitioner has submitted his explanation to each and every charges leveled against him, on the said charge memo dated 18.10.2001 in respect of the allegation that took place in the year 1994 and there is no

explanation by the respondent for inordinate delay in conducting enquiry against the petitioner and there is no justification on the part of the respondent in conducting the proceedings in respect of the incidents at the later stage. Therefore, the petitioner has come forward with the present writ petition.

3. The learned counsel for the petitioner would submit that though the incident took place in the year 1994, however, after a lapse of seven years, the present charge memo was issued and it is unsustainable. Hence, he prays for allowing this writ petition.

4. The learned Additional Government Pleader would submit that the respondent has issued a show cause notice and calling upon the petitioner to submit his explanation and the charge memo is not a decision, which can be challenged before this Court. After issuance of charge memo, charges will be framed under due process of law, after hearing the petitioner. Hence, filing of the writ petition at stage of the charge memo is premature one. Therefore, he prays for dismissal of this petition.

5. Though the writ petition was filed in the year 2006, at the time of filing this petition, the petitioner was aged about 57 years. After a lapse of 11 years, I do not find anything survives for adjudication in this writ petition. Admittedly, the impugned order is only a charge memo. After issuance of a charge memo, as rightly pointed out by the learned Additional Government Pleader, the Authority has to give an opportunity to the petitioner and thereafter, the respondent will pass orders on merits and in accordance with law. Hence, challenging the charge memo is unsustainable one.

6. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-V)

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Sub Assistant Registrar

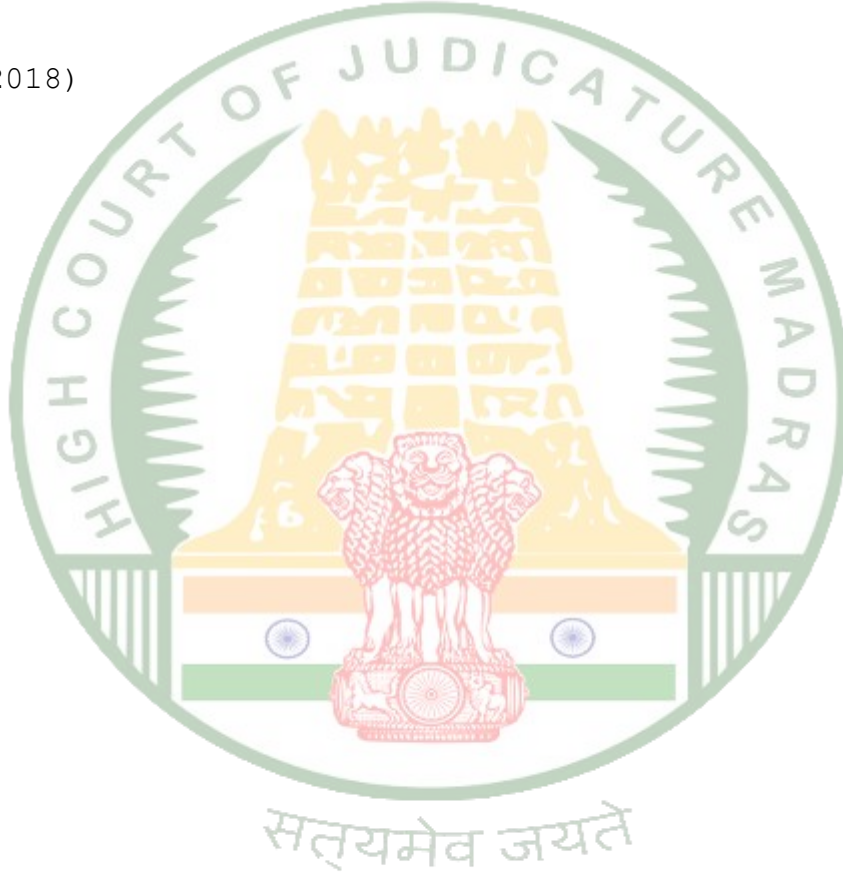
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To
The Deputy Registrar,
of Co-operative Societies,
Salem Region, Salem-1.

+1cc to Mr.N.MANOKARAN, Advocate, S.R.No. 30173
+1cc to the Government Pleader, S.R.No.30718

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SS (CO)
TR(17/05/2018)



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