



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.618 of 2018

and

W.M.P. (MD) .Nos.646 & 647 of 2018

D.Selvaraj ... Petitioner
Vs.

1.The Joint Registrar of Co-operative Societies,
Nagercoil,
Kanyakumari District.

2.The Deputy Registrar of Co-operative Societies,
Thuckalay,
Kanyakumari District.

3.Venknaji Primary Agricultural
Co-operative Credit Society Limited,
Y-84, Represented by its President,
kollemcode post,
Kanyakumari District.

4.K.Appukuttan ... Respondents
(R4 is impleaded as per the order of this Court
dated 19.01.2018 in W.M.P.(MD).No.1041 of 2018)

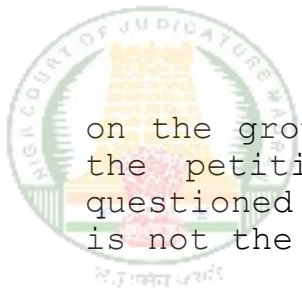
Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the third respondent pertaining to its Charge Memo dated 07.11.2017 and to quash the same and consequently direct the respondents to reinstate the petitioner with continuity of services with all other attendant monetary benefits to the petitioner.

For Petitioner : Mr.S.Sivakumar
For Respondents : Mr.J.Gunaseelan Muthiah for R1 & R2
Additional Government Pleader
: Mr.M.E.Ilango for R3 & R4

ORDER

Heard the learned counsel on either side.

2.The petitioner is an employee of the third respondent/Society. He questions the charge memo dated 07.11.2017



on the ground that it is malafide. This Court is of the view that the petition has been prematurely filed. Charge memo can be questioned principally on the ground of want of jurisdiction. Such is not the case here.

3. The learned counsel for the petitioner would of course point out that the president of the third respondent/Society appointed one Vijeesh, illegally and since it was opposed by him, the impugned charge memo has been issued. These are not sufficient grounds to make out a case that the impugned charge memo is vitiated by malafide.

4. The learned counsel appearing for the respondents 3 and 4 submitted that the charge memo was issued on 07.11.2017 and that the domestic enquiry has substantially progressed. The petitioner wanted to appoint an advocate to represent him in the enquiry. The said request has already been accepted. After making a request that an advocate should represent him in the domestic enquiry and getting the said request accepted, it is not be open to the petitioner to now question the charge memo itself. This Court is not holding that the petitioner is estopped from challenging the charge memo. But writ jurisdiction being discretionary in nature, this matter does have a bearing. The petitioner can always avail the remedies set out in the Tamil Nadu Co-operative Societies Act and go before the appropriate authorities against the final orders that may be passed against him.

5. The Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

1. The Joint Registrar of Co-operative Societies,
Nagercoil,
Kanyakumari District.

2. The Deputy Registrar of Co-operative Societies,
Thuckalay,
Kanyakumari District.

+One cc to Mr.S.Sivakumar, Advocate, SR.No.47709

+One cc to Mr.M.E.Ilango, Advocate, SR.No.48162

+One cc to The Special Government Pleader, SR.No.48598

tsg

RL/6C/2P/SV/MMS/SAR1/22/3/2018

W.P. (MD) .No.618 of 2018