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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2018

CORAM

THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

W.P. (MD) No. 13244 of 2018

and

W.M.P. (MD) No. 12079 of 2018

M. Amanulla

: Petitioner

Vs.

1. The Joint Registrar of Co-operative Societies,
Kanaga Apartment,
Chinna Chokkikulam,
Madurai.
2. The Deputy Registrar of Co-operative Societies,
Usilampatti Range at Thirumangalam,
Madurai District.
3. The Co-operative Sub Registrar / Field Officer,
T. Kallupatti,
Madurai District.
4. The Secretary,
M.D. Spl. 51, Sundaralingapuram,
Primary Agricultural Co-operative Credit Society,
At Silaimalaipatti,
Silaimalaipatti Post, Peraiyur Taluk,
Madurai District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the fourth respondent's non-numbered and non-dated notice, received on 24.05.2018 and quash the same as illegal and consequently direct the respondents to pay the petitioner's remaining Provident Fund and Gratuity a sum of Rs.4,24,315/- with interest within a stipulated period.

For Petitioner : Mr.D.Ghandiraj

For Respondents : Mr.D.Muruganantham,
Additional Government Pleader

O R D E R

The prayer sought for in this Writ Petition is for a Writ of Certiorarified Mandamus, calling for the records relating to the fourth respondent's non-numbered and non-dated notice, received on 24.05.2018 and quash the same as illegal and consequently direct the respondents to pay the petitioner's remaining Provident Fund



and Gratuity amounting to Rs.4,24,315/- with interest within a stipulated period.

2. Heard Mr.D.Ghandiraj, learned Counsel appearing for the petitioner and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondents.

3. In this writ petition, the petitioner has challenged the order impugned dated Nil, but received by the petitioner on 25.04.2018, whereby the fourth respondent had directed the petitioner to submit his explanations regarding the loss caused to the Society to the extent of Rs.3,13,472/- [Rupees Three Lakhs Thirteen Thousand Four Hundred and Seventy Two only] because of some omissions and commissions, on the part of the petitioner, during the years 2013, 2014, 2015 and 2016.

4. Challenging the said order, the learned Counsel appearing for the petitioner would submit that, the petitioner, no doubt, was working as the Secretary in the fourth respondent Society and on superannuation, he retired from service, in the year 2016 itself. After he retired from service peacefully, that too, after two years, the present impugned communication has been issued, requiring the petitioner to give explanations. Therefore, the same is without jurisdiction and accordingly, he has challenged the same.

5. No doubt, the petitioner might have retired from service in the year 2016. But, this is only a show cause notice seeking an explanation from the petitioner, as he was the instrumental in the alleged loss to the Society while he was in service between 2013 and 2016.

6. With regard to the said show cause notice, the petitioner can very well give a reply stating that since he retired from service in 2016, he has nothing to do with the said allegation made against him. Without doing so, the petitioner has rushed to this Court with the present writ petition. It is a settled proposition that whenever any show cause notice is issued, the same shall be responded by the person who receives the show cause notice and against such show cause notice, no indulgence can be shown by this Court, that too, by invoking Article 226 of the Constitution of India.

7. In view of the settled legal position, this Court is not inclined to accept the plea of the petitioner and entertain this writ petition against the impugned order, which is admittedly a show cause notice. Hence, this writ petition fails.

<https://hcservices.courtservice.in/Services> 8. The writ petition stands dismissed, accordingly. However, it is made clear that the dismissal of this writ petition will not make the petitioner disentitle to give the reply and the same can



be given by the petitioner within ten days from today. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

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Sub Assistant Registrar(CS-I)

To

1. The Joint Registrar of Co-operative Societies,
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3. The Co-operative Sub Registrar / Field Officer,
T.Kallupatti,
Madurai District.

+1cc to Mr.D.Ghandiraj, Advocate Sr.No.69297

+1cc to Spl.Government Pleader Sr.No.69496

MR

VB/SKN/SAR1/15.10.2018/3P/6C

ORDER MADE IN
W.P. (MD) No.13244 of 2018
21.06.2018