

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.06.2019

CORAM

The Honourable Mr.JUSTICE K.K.SASIDHARAN

and

The Honourable Ms.JUSTICE P.T.ASHA

W.A.No. 2396 of 2013

M. Sivaprakasam

..Appellant/Petitioner

vs

1. The Joint Registrar of
Coopertative Societies,
Cuddalore Region,
Office of Registrar of
Co-operative Societies,
No.3, Beach Road,
Cuddalore,
Cuddalore District.

2. The Deputy Registrar of
Co-operative Societies,
Cuddalore Region,
Cuddalore District.

3. The Special Officer,
Melpattampakkam Primary,
Agricultural Co.op. Credit
Society, Melapattampakkam Post,
Cuddalore District.

4. The Domestic Enquiry Officer,
Joint Registrar of Co-operative
Societies (Retired)
Melpattampakkam Primary
Agricultural Co.op.Credit
Society, Melpattampakkam Post.

... Respondents/Respondents

Prayer: Writ Appeal is filed under Clause 15 of the Letters Patent to set aside the order of the learned Judge made in W.P.21953 of 2010 dated 12.04.2012 dismissing the Writ Petition.

Prayer in W.P.21953 of 2010 : Petition under Article 226 of the constitution of India Praying for a writ of certioarified mandamus calling for the records records relating to the 1st respondent impugned order dated on 26.3.2010 Na.Ka.No.9342/2009 Thu.va.tha.1 and quash the same and direct the respondents to reinstate the petitioner in the same service and also grant all consequential benefits from 10.11.2008 to till date

For Petitioner : Mr. S. Ayyathurai

For Respondents : Mr. L.P. Shanmugasundar, Spl.GP
for R1 and R2
Mr. M.S.Palaniswamy for R3

JUDGMENT

(Judgment of the Court was delivered by P.T.ASHA, J)

The above intra-court Appeal is filed challenging the order passed in W.P.No.21953 of 2010 in and by which the Writ Petition filed by the appellant challenging his order of dismissal was dismissed by the learned Single Judge of this Court.

2. The brief facts that are necessary to dispose of the above Writ Appeal are as follows:

The appellant herein was employed as a Secretary with the 3rd respondent Cooperative Bank on 20.09.1983, in which post he continued till 09.11.2008. During his tenure, he had committed various irregularities and had failed to discharge his duties and mismanaged the affairs of the society. By reason of this, the society had incurred a loss of over Rs.1,60,00,000/-. Therefore, the appellant was suspended from service from 10.11.2008. Thereafter on 22.12.2008, the appellant was issued with a charge memo to which he had not submitted his explanation. Thereafter, the 3rd respondent society had appointed an Enquiry Officer and though he had not submitted his explanation, the appellant had participated in the enquiry fully. He had deposed before the Enquiry Officer, but however had not chosen to cross examine the witnesses on the side of the management.

3. On 23.03.2009, the Enquiry Officer had submitted his report holding that the charges had been proved against the appellant.

4. Thereafter the 3rd respondent issued a show cause notice dated 30.03.2009, calling for an explanation from the appellant. The appellant on receiving the said notice had submitted his explanation but however had not denied the allegations made against him. Consequently, on considering the charges and the

enquiry report, the 3rd respondent by order dated 13.04.2009 dismissed the appellant from service.

5. Challenging the said order of dismissal, the appellant had filed a Review before the first respondent herein under section 153 of the Tamil Nadu Cooperative Societies Act, 1983. The first respondent confirmed the order of dismissal taking into account the detailed enquiry report.

6. Challenging the said order, the appellant had filed the W.P.NO.21953 of 2010 and learned Single Judge by order dated 12.04.2012 has confirmed the order passed by the Revisional Authority namely the first respondent.

7. Challenging the said order, the appellant is before this Court.

8. Heard Mr.S.Ayyathurai, learned counsel appearing for the appellant and Mr. L.P.Shanmugasundar, Spl.GP and Mr.M.S.Palanisamy, learned counsel appearing for the respondents.

9. From the perusal of the order, it is apparent that the appellant has himself accepted the charges and that apart the enquiry officer had submitted a detailed report indicting the appellant on the various charges levelled against him. Therefore, we do not find any reason to interfere with the order passed by the learned Single Judge, and accordingly the Writ Appeal stands dismissed.

Sd/-
Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

mrn

To

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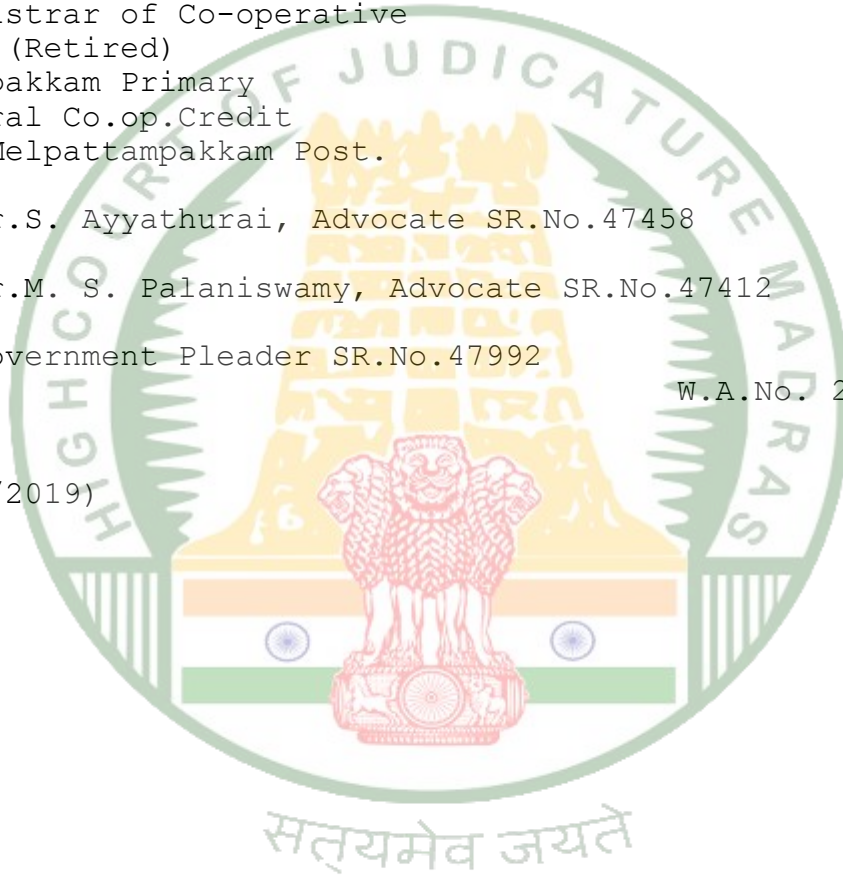
+1cc to Mr.S. Ayyathurai, Advocate SR.No.47458

+1cc to Mr.M. S. Palaniswamy, Advocate SR.No.47412

+1cc to Government Pleader SR.No.47992

W.A.No. 2396 of 2013

PP(CO)
GMY(12/07/2019)



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