

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.05.2019

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Writ Petition No.14813 of 2019
and
WMP.Nos.14797 and 14799 of 2019

T.Vedagiri

...Petitioner

Vs

1. The Deputy Registrar of Co-operative Societies, Maduranthagam Circle, Maduranthagam, Kancheepuram District.
2. The President, GC 2354, Nerkunam Primary Agricultural Co-operative Credit Society, Nerkunam Village and Post - 603 310, Via Thozhupedu, Cheyyur Taluk, Kancheepuram 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 entire records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.1091/2018/Aa1, dated 29.04.2019 and quash the same and consequently directing the respondents to disburse the petitioner's retirement benefits to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondents: Mr.L.P.Shanmuga sundaram
Special Government Pleader

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O R D E R

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.1091/2018/Aa1, dated 29.04.2019 and quash the same and consequently direct the respondents to disburse the petitioner's retirement benefits to the petitioner.

2. Mr.L.P.Shanmuga sundaram, learned Special Government Pleader takes notice for the respondents.

3.The learned counsel appearing for the petitioner would submit that the petitioner is working as Secretary in the Nerkunam Primary Agricultural Co-operative Credit Society. The first respondent herein ordered enquiry under Section 81 of Tamil Nadu Cooperative Societies Act, on 23.11.2017 for alleged irregularities committed by the petitioner in the said society, with regard to the issuance of THADCO loan during the years 2014-2015, 2015-2016 and 2016-2017. Further, the first respondent appointed the enquiry officer and in turn the enquiry officer conducted the enquiry and submitted his report before the first respondent herein.

4.It is further submitted that once again the first respondent suppressed the earlier enquiry report and earlier cancellation of the enquiry and on 27.09.2018, he ordered enquiry under Section 81 of Tamil Nadu Cooperative Societies Act in his proceedings Na.Ka.3173/2017/AA1, dated 27.09.2018.

5.The further contention of the writ petitioner is that the petitioner and the second respondent herein filed two different writ petitions before this Court challenging the said enquiry order. In so far relates to the Writ petition filed by the petitioner, it was disposed of subsequently by this Court, whereas, the second respondent's writ petition in W.P.No.30845 of 2018 is pending before this Court.

6.The learned counsel appearing for the petitioner further submitted that the first respondent took vengeance against the petitioner and he passed orders on his date of retirement i.e., on 30.04.2019, directing the second respondent to pass suspension order against the petitioner and also not to allow the petitioner to retire from service and the same should be informed to the first respondent.

7.The learned Special Government Pleader appearing for the respondents would contend that with regard to malpractices and alleged irregularities in respect of issuance of THADCO loan during the year 2014-2015, 2015-2016 and 2016-2017, enquiry was ordered under Section 81 of Tamil Nadu Cooperative Societies Act. After observing necessary formalities and also taking note of certain waiver issued under the various Governments order in respect of crop loan, based upon the report, further enquiry is to be conducted and hence he was suspended and it is for the petitioner to face the enquiry.

8. After hearing the rival submissions and also going

through the records, I find that based on the impugned order dated 29.04.2019, further proceedings are to be conducted. Taking note of the above submissions made by the learned Special Government Pleader, I am not inclined to admit the Writ Petition. However, it is made clear that this Writ Petition is rejected and the petitioner is at liberty to challenge the impugned order at a later point of time, on change of circumstances, if any.

9. With the above observations, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are also closed.

vr/vrn

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Deputy Registrar of
Co-operative Societies,
Maduranthagam Circle,
Maduranthagam, Kancheepuram District.
2. The President,
GC 2354, Nerkunam Primary Agricultural
Co-operative Credit Society,
Nerkunam Village and Post - 603 310,
Via Thozhupedu, Cheyyur Taluk,
Kancheepuram District.

+1cc to the Special Govt. Pleader, vide SR.No.44275

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VG-II(CO)
Kak(10/07/2019)

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