

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.26954 of 2019
and
W.M.P.No.26337 of 2019

G.Elango

..Petitioner

..Vs..

1.The Joint Registrar of Co-operative Societies/
Common Cadre Authority,
Villupuram Region, Villupuram,
Villupuram District.

2.The President,
CL.SPL.165, Katrampakkam Primary
Agricultural Co-operative Credit Society,
Katrampakkam Village & Post,
Vanur Taluk, Villupuram District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Certiorari,
calling for the entire records relating to the impugned order
passed by the second respondent in his proceedings No.Nil, dated
31.07.2019 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.L.P.Shanmugasundaram,
Special Government Pleader

O R D E R

The writ petition has been filed seeking a writ of
certiorari, to call for the entire records relating to the
impugned order passed by the 2nd respondent in his proceedings
No.Nil, dated 31.07.2019 and quash the same.

2. Mr.C.Prakasam, learned counsel appearing for the writ
petitioner would submit that the petitioner was appointed as
Clerk in the second respondent society in the year 1993 and
subsequently, the petitioner was promoted as Secretary. While
the petitioner was discharging his duties as secretary, on

31.08.2018, for some reasons, the petitioner was suspended from service for the alleged irregularities committed in the said society. In this connection the second respondent issued charge memo and proceeded with the enquiry and petitioner also participated in the enquiry. While being so, the Government issued a G.O.Ms.No.14, dated 12.02.2019 with regard to Constitution of common cadre service for secretaries of Primary Agricultural Co-operative Credit Societies as per which the first respondent is the competent person to proceed with the enquiry and as per clause 7, any disciplinary proceedings commenced against the common cadre employees of a society before the commencement of these rules and still continuing shall as far as may be deemed to have been commenced under these rules and may be continued accordingly. However, in the present case even after the G.O., the second respondent (President) continued the proceedings which is non-est in law. Accordingly, prayed for appropriate orders.

3. The learned counsel appearing for the respondents would submit that as per the common cadre service, the first respondent is the competent authority to proceed with the enquiry. Hence, this Court may issue direction to the second respondent to forward the entire papers to the first respondent for the purpose of proceeding with the matter and complete the enquiry within a stipulated period.

4. In view of the above, I am inclined to issue direction to the second respondent to forward all papers to the first respondent enabling to complete the enquiry as per the G.O.Ms.No.14, dated 12.02.2019, within a period of two weeks. Thereafter, the first respondent has to complete enquiry and pass appropriate orders, within a period of twelve weeks.

5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

At

Sd/-

Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Joint Registrar of Co-operative Societies/
Common Cadre Authority,
Villupuram Region, Villupuram,
Villupuram District.

2.The President,
CL.SPL.165, Katrampakkam Primary
Agricultural Co-operative Credit Society,
Katrampakkam Village & Post,
Vanur Taluk, Villupuram District.

+1cc to Mr.L.P.Shanmugasundaram, Advocate, SR.No.78024
+1cc to the Spl Govt.Pleader (Co-op),vide SR.No.78411
+1cc to Mr.C.Prakasam, Advocate, SR.No.77632

W.P.No.26954 of 2019
and
W.M.P.No.26337 of 2019

Kak(16/10/2019)



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