

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.27139 of 2019

and W.M.P.Nos.26520 and 26522 of 2019

G.Vasantha

..Petitioner

-Vs-

1.The President

The Health Staff Co-op Credit
Society Limited,P-428, 46,
Vayalkarai street
Karaikal 609 602,Puducherry.

2.The Registrar of Co-op Societies
Co-operative Department, Puducherry.

3.Thiru.L.Sundaramurthy

4.Thiru.Karpaganathan

5.The Deputy Registrar of Co-operative Societies
Co-operative Department, Karaikal.

..Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the 1st respondent in connection with the impugned order passed by him in Letter No.F19/HSCCS/KKL/19-20/305, dated 20.08.2019 and the consequential order of notice for enquiry issued by the 4th respondent dated 02.09.2019, quash the same and direct the respondents to furnish the copies of the documents mentioned by the petitioner in her representation dated 27.02.2019 and further direct the 2nd respondent to transfer the enquiry proceedings to the 5th respondent for the purpose of conducting the disciplinary proceedings.

For Petitioner : Mr.K.Venkataramani
Senior Counsel for Mr.M.Muthappan

For R1 : Mr.R.Sridhar

For R2 to R5 : Mrs.N.Mala
Additional Government Pleader

O R D E R

Writ Petition is filed for issuance of Writ of Certiorarified Mandamus calling for the records of the 1st respondent in connection with the impugned order passed by him in Letter No.F19/HSCCS/KKL/19-20/305, dated 20.08.2019 and the consequential order of notice for enquiry issued by the 4th respondent dated 02.09.2019, quash the same and direct the respondents to furnish the copies of the documents mentioned by the petitioner in her representation dated 27.02.2019 and further direct the 2nd respondent to transfer the enquiry proceedings to the 5th respondent for the purpose of conducting the disciplinary proceedings.

2.Heard the learned Senior Counsel appearing for the petitioner and the learned counsel appearing for the 1st respondent and the learned Additional Government Pleader appearing for the respondents 2 to 5.

3.The learned Senior Counsel appearing for the petitioner submitted that though the petitioner filed the writ petition challenging the appointment of Enquiry Officer in the disciplinary proceedings, which was initiated against the petitioner, however, he restricted his relief for non furnishing the documents to the petitioner so as to enable her to participate in the departmental enquiry. Further, the petitioner raised allegations against the 1st and 4th respondents that they acted in a bias manner. Hence, the petitioner has raised the issue before the 2nd respondent. In this aspect, the petitioner has already made representations to the 2nd respondent on 04.12.2017, 21.02.2018, 19.04.2018 and 23.07.2018. However, till date, the 2nd respondent has not considered the representations made by the petitioner. Therefore, it would suffice, if this Court issues direction to the 2nd respondent to consider the petitioner's representations and pass appropriate orders on merits within reasonable time.

4. Learned Additional Government Pleader appearing for the respondents 2 to 5 submitted that the petitioner has already sought for furnishing the documents.

5.Considering the submissions made by both sides, the 2nd respondent is directed to furnish the documents sought for by the petitioner through registered post within a period of two weeks from today. After receiving the documents, the petitioner is granted liberty to make a comprehensive representation to the 2nd respondent with regard to bias as against 1st and 4th respondents within a period of one week thereafter. If any representation is made, the 2nd respondent is directed to

consider the same and pass appropriate orders on merits and in accordance with law, within a period of two weeks thereafter.

6.The writ petition is accordingly disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

kj

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The President
The Health Staff Co-op Credit
Society Limited
P-428, 46, Vayalkarai street
Karaikal 609 602
Puducherry.

2.The Registrar of Co-op Societies
Co-operative Department
Puducherry.

3.The Deputy Registrar of Co-operative Societies
Co-operative Department
Karaikal.

+1cc to Mr.M.Muthappan, Advocate, SR.No. 82497

+1cc to Mr.R.Sreedhar, Advocate, SR.No.82393

+1cc to the Govt.Pleader cum Public Prosecutor,
(Pondicherry) Vide Sr.No.82452

सत्यमेव जयते

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and W.M.P.Nos.26520 and 26522 of 2019

Kak(08/11/2019)

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