

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.32468 of 2019 and
W.M.P.Nos.32786 & 32787 of 2019

P.Dhanasekaran

... Petitioner

Vs.

- 1.The Secretary to Government,
Co-operation, Food and Consumer Protection Department,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai-600 009
- 2.The Registrar of Co-operative Societies,
No.170, E.V.R.Periyar High Road,
Kilpauk, Chennai - 600 010
- 3.The Joint Registrar of Co-operative Societies,
Kancheepuram Region,
Combined Co-operative Complex,
Vandawash Road, Kancheepuram-631 501,
Kancheepuram District
- 4.The Deputy Registrar of Co-operative Societies,
Chengleput Circle,
No.10/A, "B" Block, Anna Nagar,
Chenglept-603 001,
Kancheepuram District
- 5.The Co-operative Sub Registrar/Administrator,
Atomic Energy Employees Consumer Co-operative
Stores Limited G.2160, Kalpakkam-603 102,
Kancheepuram District
- 6.Atomic Energy Employees Consumer Co-operative
Stores Limited G.2160, Kalpakkam,
Represented by its Former President,
Thiru.V.Elumalai,
No.50, Rohini Block,
Anupuram Township-603 127,
Kancheepuram District

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned charge memo issued by the 6th respondent herein in his proceedings dated 28.08.2019 to the petitioner and quash the same and further direct the fifth respondent to treat the period from 06.09.2019 till date of joining of the petitioner as duty period and pay salary and other consequential benefits thereof.

For Petitioner : Mr.B.Hari babu

For Respondents : Mr.L.P.Shanmuga Sundaram,
Special Government Pleader(Co-op)

O R D E R

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The case of the petitioner is that the petitioner was appointed as Godown Keeper in the fifth respondent Store in the year 1999 and subsequently he was promoted as Cashier and further as Assistant Manager and he rendered service without any blemish for the past twenty years. One, V.Elumalai, the sixth respondent was elected as President in the year 2018 and he was holding that post till 31.07.2019. He committed misappropriation of funds of the Cooperative Stores by forging vouchers for a sum of Rs.25,000/- and 26,500/- aggregating to Rs.51,500/-. The commission of offence by him is punishable under various sections of the Indian Penal Code. Hence, the petitioner as Assistant Manager, Incharge of Accounts has strongly objected the misappropriation committed by him and refused to transact the said forged vouchers in the books of accounts. In this regard he has sent complaints to the second, third and fourth respondents. Thereafter the election of the President as well as the Directors were set aside by the order of the North Zone Committee for adjudication of claims / objections relating to the Co-operative Societies election by order dated 31.07.2019. However, the sixth respondent issued charge memo and suspension order to the petitioner without any authority. Hence, challenging the charge memo, the present petition has been filed.

3.Heard both sides.

4.The learned counsel appearing for the petitioner submitted that the petitioner has filed this writ petition challenging the charge memo dated 28.08.2019 and also seeking direction to the fifth respondent to treat the period from

06.09.2019 till date of joining of the petitioner as duty period. However, it would suffice, if a direction is issued to the respondents to consider the representation of the petitioner dated 16.10.2019 and pass orders, within a stipulated time fixed by this Court.

5. Admittedly, the charge memo cannot be challenged in this writ petition on the ground of incompetence and without jurisdiction. However, I am inclined to issue a direction to the respondents to consider the representation of the petitioner. Therefore, considering the limited request made by the learned counsel appearing for the petitioner, without interfering with the impugned charge memo issued by the sixth respondent and without going into the merits of the case, this Court directs the respondents to consider the petitioner's representation dated 16.10.2019 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

6. With the above direction, this writ petition stands disposed of. Consequently connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar (CS-IV)

// True Copy //

Sub Assistant Registrar

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To

1. The Secretary to Government,
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Government of Tamil Nadu,
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Chennai-600 009

2. The Registrar of Co-operative Societies,
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3. The Joint Registrar of Co-operative Societies,
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4.The Deputy Registrar of Co-operative Societies,
Chengleput Circle,
No.10/A, "B" Block, Anna Nagar,
Chenglept-603 001,
Kancheepuram District

5.The Co-operative Sub Registrar/Administrator,
Atomic Energy Employees Consumer Co-operative
Stores Limited G.2160, Kalpakkam-603 102,
Kancheepuram District

6.Thiru.V.Elumalai, Former President,
Atomic Energy Employees Consumer Co-operative
Stores Limited G.2160, Kalpakkam,
No.50, Rohini Block,
Anupuram Township-603 127,
Kancheepuram District.

+1cc to Mr.B.Haribabu, Advocate, SR.No.96378.

+1cc to Mr.L.P.Shanmugasundaram, Advocate, SR.No.96930.

+1cc to Government Pleader, SR.No.97057.

W.P.No.32468 of 2019

BP (CO)
CSR(30/12/2019)



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