



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 16.07.2019
CORAM:

**THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

W.A(MD)NO.698 OF 2019
and
C.M.P(MD)No.6157 of 2019

P.Karnan,
Son of Paluchamy,
Secretary(Under suspension),
RS745, Sooranam Primary Agricultural Cooperative
Credit Society,
Sooranam Post,
Sooranam,
Ilayangudi Taluk,
Sivagangai District,

residing at
Kallani,
Kalangathankottai(Post),
Ilayangudi Taluk,
Sivagangai District.

:Appellant/Petitioner

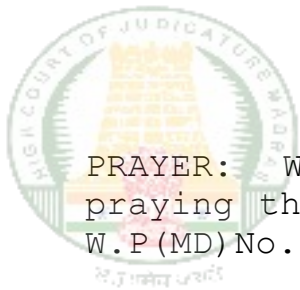
.vs.

1.The Deputy Registrar of Cooperative Societies,
Sivagangai Circle,
Sivagangai District,
Sivagangai.

2.RS 745,Sooranam Primary Agricultural Cooperative
Credit Society,
represented by its Administrator,
Sooranam Post,
Sooranam, Ilayangudi Taluk,
Sivagangai District.

3.J.Mari,
Administrator,
RS745, Sooranam Primary Agricultural Cooperative
Credit Society,
Sooranam Post,
Sooranam, Ilayangudi Taluk,
Sivagangai District.

: Respondents/Respondents



PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.13365 of 2019, dated 13.06.2019.

Prayer in WP(MD) . 13365/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, calling for the records pertaining to the impugned charge memo made in R.S.745/1/19 dated 26.04.2019 issued by the 2nd respondent and quash the same.

For Appellant :Mr.D.Sadiq Raja

For Respondents :Mr.N.Shanmugaselvam
1 and 2 Addl.Govt.Pleader

JUDGMENT

[Judgment of the Court was made by **K.RAVICHANDRABAABU, J.**]

This Writ Appeal is directed against the order of the Writ Court, in dismissing the Writ Petition filed by the appellant herein, challenging the charge-memo, dated 26.04.2019.

2.Heard the learned counsel appearing for the appellant and perused the materials placed in the typed-set of papers as well as the order passed by the Writ Court.

3.The learned counsel for the appellant vehemently contended that the Writ Court ought not to have dismissed the Writ Petition, especially when the appellant as the Writ Petitioner challenged the charge-memo on the following grounds:

(a)violation of principles of natural justice; and

(b)the charge-memo was issued with mala-fide intention, since the appellant has approached this Court and challenged the order of suspension and also sought for Subsistence Allowance during the suspension period.

4.We are not impressed upon the above contentions raised by the learned counsel for the appellant to entertain the writ Petition, which admittedly filed against the charge-memo containing several charges alleging sanctioning and disbursement of loans twice to various persons and also misappropriation of funds. Needless to state that, when the charge-memo is issued on the Petitioner/appellant setting out the charges, it is for the appellant to face the enquiry and prove his innocence in the enquiry by adducing material evidence, if any. Without doing so,



the appellant is not entitled to challenge the very charge-memo itself on the ground of violation of principles of natural justice or on the ground of mala-fide. Merely because, the Petitioner has approached this Court and sought to challenge the order of suspension and also sought for subsistence allowance, it cannot be construed as if the authorities have wantonly framed the charges against the appellant with a mala-fide intention. Equally, when the challenge, is only against the charge-memo and when the Petitioner/appellant is entitled to participate in the enquiry and place all his submissions and contentions, it cannot be said that principles of natural justice is violated. Therefore, We are of the view that the Writ Court, after considering all these aspects, rightly dismissed the Writ Petition, with which, We find no reason to interfere.

5. Accordingly, the Writ Appeal stands dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Deputy Registrar of Cooperative Societies,
Sivagangai Circle, Sivagangai District,
Sivagangai.

2. The Administrator,
RS 745, Sooranam Primary Agricultural Cooperative
Credit Society, Sooranam Post,
Sooranam, Ilayangudi Traluk,
Sivagangai District.

+1cc to Mr.D.Sadiq Raja, Advocate, SR.No.75571

+1cc to the Spl.Govt.Pleader Sr.No.76012

vsn
JUDGMENT MADE IN
W.A (MD) NO.698 OF 2019
and
C.M.P (MD) No.6157 of 2019
16.07.2019

NA (29.07.2019) 3P : 5C