



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.20124 of 2019

and

W.M.P. (MD) Nos.16665 to 16667 of 2019

WEB COPY

N.Elamathi

... Petitioner

-Vs-

1.The Registrar of Co-operative Societies,
Poonamalle High Road, Kilpauk,
Chennai-600 010.

2.The Joint Registrar / Managing Director,
Tiruchirappalli District Central
Co-operative Bank Limited,
Tiruchirappalli.

3.The President,
Tiruchirappalli District Central
Co-operative Bank Limited,
Fort Station Road, Tiruchirappalli.

4.The General Manager,
Tiruchirappalli District Central
Co-operative Bank Limited,
Tiruchirappalli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records in pursuant to the impugned charge memo passed by the second respondent vide his proceedings No.610/2016D2, dated 18.09.2018 and to quash the same as illegal and consequently, directing the respondents to promote the petitioner to the post of Assistant General Manager from the date of promotion granted to the petitioner's immediate junior with all service and monetary benefits within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Siddharthan
For R1 : Mr.S.Dhayalan,
Government Advocate.
For R2 and R4 : Mr.D.Shanmugaraja Sethupathi
For R3 : Mrs.S.Srimathy,
Special Government Pleader.

ORDER

Heard Mr.M.Siddharthan, learned counsel appearing on behalf of the petitioner, Mr.S.Dhayalan, learned Government Advocate, who takes notice on behalf of the first respondent, Mr.D.Shanmugaraja



Sethupathi, learned counsel, who takes notice on behalf of the respondents 2 and 4 and Mrs.S.Srimathy, learned Special Government Pleader, who takes notice on behalf of the third respondent.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.The order of the second respondent, dated 18.09.2018, is sought to be quashed in the Writ Petition and further direction is sought for to promote the petitioner to the post of Assistant General Manager from the date of promotion granted to the petitioner's immediate junior with all service and monetary benefits.

4.The petitioner is challenging the order of the second respondent, dated 18.09.2018, on the ground that the occurrence was happened in the year 2016, but the charge memo was issued in the year 2018 and the fourth respondent has not appointed any enquiry officer, so far, and there is no progress in the domestic enquiry.

5.The learned counsel appearing on behalf of the respondents 2 and 4 submitted that the third respondent appointed an enquiry officer and enquiry commenced on 27.08.2019. The petitioner appeared for the enquiry and subsequently, left from the place. In view of the same, enquiry was adjourned.

6.Recording the submission of the learned counsel for the respondents 2 and 4, this Writ Petition stands dismissed. However, it is open to the petitioner to participate in the enquiry. The respondents are directed to conclude the disciplinary proceedings, within a period of four months from the date of receipt of a copy of this order. The petitioner is also directed to co-operate for the enquiry.

7.In the result, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

Myr

To

1.The Registrar of Co-operative Societies,
Poonamalle High Road, Kilpauk,

<https://hcservices.ecourts.gov.in/KCServices/>



2.The President,
Tiruchirappalli District Central
Co-operative Bank Limited,
Fort Station Road, Tiruchirappalli.

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-87782[F] dated 19/09/2019)

+1 CC to M/s.SPL GP (SR-88347[F] dated 20/09/2019)

W.P. (MD) No.20124 of 2019
19.09.2019

_KK/SAR/10.10.2019/3P-5C/