



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. (MD) No.11448 of 2015

and

M.P. (MD) No.2 of 2015

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P.Sivakumar

... Petitioner

vs.

- 1.The Deputy Registrar of Co-operative Society  
Kulithalai Taluk, Karur District
- 2.The Co-operative Sub Registrar / Field Officer  
Kulithalai Enquiry Officer  
(Under Section 81)  
MM359 Keelaveliyur Primary Agricultural  
Co-operative Credit Society  
Keelaveliyur Post, Kulithalai Taluk  
Karur District
- 3.The President  
MM359 Keelaveliyur Primary Agricultural  
Co-operative Credit Society  
Keelaveliyur Post  
Kulithalai Taluk  
Karur District
- 4.The President  
MM339 Pathiripatti Primary Agricultural  
Co-operative Credit Society  
Pathiripatti Post  
Kulithalai Taluk, Karur District
- 5.Enquiry Officer  
Mr.Clarence Amarnath  
Madurai.

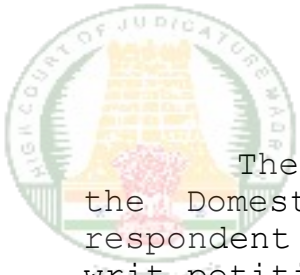
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari calling for the records relating to the impugned enquiry report issued by the 5<sup>th</sup> respondent in his proceedings Nil dated 22.05.2015 and quash the same as illegal.

For Petitioner : Mr.C.Venkatesh Kumar  
for M/s.Ajmal Associates

For Respondents : Mr.D.Muruganandham

Additional Government Pleader for R1 to R4  
No appearance for R5

**ORDER**

The domestic enquiry report, dated 22.05.2015, submitted by the Domestic Enquiry Officer, to the President of the fourth respondent / Cooperative Society, is under challenge in the present writ petition.

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2. The writ petitioner admittedly is an employee of the fourth respondent / Cooperative Society, which is a registered Society under the provisions of the Tamil Nadu Co-operative Societies Act, 1983 (hereinafter, referred to as "the Act"). On account of certain allegations, a charge memo was issued against the writ petitioner and an Enquiry Officer was appointed, who in turn conducted an enquiry and submitted a report to the President of the fourth respondent / Cooperative Society on 22.05.2015. The writ petitioner challenges the report submitted by the Enquiry Officer on various grounds. However, this Court is of the opinion that once the Enquiry Officer submitted a report and the copy of the report is communicated to the employee concerned for submitting his objections / explanations, then the employee has to raise all his objections as well as the grounds by way of explanation. Contrarily, writ proceedings cannot be entertained against such a report filed by the Enquiry Officer.

3. This apart, the writ petitioner being an employee of the Cooperative Society cannot maintain a writ petition, in view of the fact that the fourth respondent / Cooperative Bank is not funded by the Government and thus not a "State" within the meaning of Article 12 of the Constitution of India. The legal principles, in this regard, are settled by the Larger Bench of this Court in the case of **K.Marappan vs. The Deputy Registrar of Co-operative Societies, Namakkal Circle, Namakkal and another**, reported in **2006 (4) CTC 689**.

4. Under these circumstances, the writ petitioner is at liberty to submit his explanations / objections on the enquiry report as well as the findings therein, within a period of four weeks from the date of receipt of a copy of this order. On receipt of the explanations / objections, the competent authority of the fourth respondent / Cooperative Society is at liberty to consider the same, take a decision and pass appropriate orders on merits and in accordance with law. Thereafter, the writ petitioner is at liberty to approach the authority competent under the provisions of the Act, if any grievance exists.

5. With these observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

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To

1.The Deputy Registrar of Co-operative Society,  
Kulithalai Taluk, Karur District.

2.The Co-operative Sub Registrar / Field Officer,  
Kulithalai Enquiry Officer,  
(Under Section 81),  
MM359 Keelaveliyur Primary Agricultural,  
Co-operative Credit Society,  
Keelaveliyur Post, Kulithalai Taluk,  
Karur District.

3.The President,  
MM359 Keelaveliyur Primary Agricultural  
Co-operative Credit Society,  
Keelaveliyur Post,  
Kulithalai Taluk,  
Karur District.

4.The President,  
MM339 Pathiripatti Primary Agricultural  
Co-operative Credit Society,  
Pathiripatti Post,  
Kulithalai Taluk,  
Karur District.

+1 CC to SPL GP ( SR-83551[F] dated 27/08/2019 )

+1 CC to M/s.AJMAL ASSOCIATES, Advocate ( SR-83642[F] dated  
27/08/2019 )

**W.P. (MD) No.11448 of 2015**

**and**

**M.P. (MD) No.2 of 2015**

**26.08.2019**

**krk**

MK (06.09.2019) 3P 7C