

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.09.2020

CORAM:

THE HON'BLE MR. JUSTICE V.PARTHIBAN

WP No.12165 of 2020
and WMP Nos.14900 & 14902 of 2020

Tmt.S.Periyanayagam

... Petitioner

Vs

1. The Thiruvarur Region Co-operative Societies,
Rep. By its Joint Registrar,
Thiruvarur & District.

2. The Erukkaattur Primary Agricultural
Co-operative Society Ltd.,
Rep. By its President,
Z-A-11, Erukkaattur, Koothanallur (TK),
Thiruvarur District.

3. Mr.T.A.P.Selvapandiyam,
President,
Z-A-11, Erukkaattur Primary Agricultural
Co-operative Society Ltd.,
Koothanallur (TK), Thiruvarur District.

4. The Inquiry Officer,
No.10, Periya Kannara Street,
Mayiladuthurai,
Nagapattinam Dist - 609 001.

... Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records from the 2nd and 3rd respondents pertaining to the impugned charge Memo Na.Ka.No.01/2020 T, dated 05.06.2020 issued by the 2nd and 3rd respondents and quash the same and consequently to direct the 2nd and 3rd respondent to reinstate the petitioner.

For Petitioner : Mr.P.Vijendran

For Respondents: Mr.D.Venkatachalam
Additional Government Pleader

O R D E R

This matter is taken up today, through Web hearing.

2. The petitioner has filed this writ petition, challenging the Charge Memorandum dated 05.06.2020. The Charge Memorandum contains three articles of charges containing allegations for certain dereliction of duties on the part of the petitioner in discharge of her duties as an employee of the 2nd respondent Society.

3. According to the petitioner, she has been falsely implicated in the Charge Memorandum and the charges are completely baseless and cannot be countenanced both on facts and in law. The petitioner has stated several facts in the affidavit as to her non involvement in the charges and also alleged that the Charge Memorandum was issued on malafide consideration. According to the petitioner she had filed earlier a writ petition in WP No.3233 of 2019 against the Society and in view of that by way of vindictive action, charge sheet has been issued. Hence, the petitioner is before this Court.

4. The learned counsel for the petitioner Mr.P.Vijendran, reiterated the above facts and contentions, as contained in the affidavit.

5. Any challenge to the Charge Memorandum can be entertained only on the extraordinary circumstances like jurisdictional error or on the ground of malafides writ large on the face of the Charge Memorandum itself. Otherwise, this Court will not entertain any writ petition at the premature stage of challenging the Charge Memorandum.

6. As far as the present case is concerned, the petitioner has reeled out several facts in support of her plea that the charges were baseless and was issued for achieving extraneous purpose. This Court cannot come to any conclusion in favour of the petitioner on the basis of her factual assertion and submission. No charge memorandum can be interfered with on the basis of self serving averments of the petitioner.

7. Therefore, this Court is of the view that it is imperative that the petitioner participates in the disciplinary action initiated in pursuance of the Charge Memorandum and she can always come out unscathed if she is otherwise innocent as claimed by her. However, it is certainly not open to the petitioner to approach this Court at this preliminary stage and

seek to stall the disciplinary action. Moreover, this Court does not find any valid ground to interfere with the disciplinary action at this stage.

8. In the above circumstances, the challenge to the Charge Memorandum has to be held as not maintainable and the Writ Petition stands dismissed. No Costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Joint Registrar,
Thiruvavur Region Co-operative Societies,
Thiruvavur & District.
2. The President,
Erukkaattur Primary Agricultural
Co-operative Society Ltd.,
Z-A-11, Erukkaattur, Koothanallur (TK),
Thiruvavur District.
3. Mr.T.A.P.Selvapandiyan,
President,
Z-A-11, Erukkaattur Primary Agricultural
Co-operative Society Ltd.,
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