

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2020

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.13830 of 2020

and

W.M.P.Nos.17196 & 17198 of 2020

G.Thamburaj
Secretary (under Termination)
S/o Govindaraj
No.10, Anbukkarasi Nagar,
Imperial Road,
Chellankuppam,
Cuddalore OT - 607 003

... Petitioner

Vs

1. The Joint Registrar of Co-operative Societies,
Cuddalore Zone, Cuddalore.
2. The Deputy Registrar of Co-operative Societies,
Cuddalore, Cuddalore District.
3. The President,
E-2610, Vasantharayanpalayam Urban,
Co-op. Credit Society Ltd.,
Cuddalore.
4. Mr.K.Baskar,
Co-operative Sub-Registrar/ Sec.81, Enquiry Officer,
E-2610, Vasantharayanpalayam Urban,
Co-op. Credit Society Ltd.,

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India praying Writ of Certiorari to call for the records of the impugned finding under Section 81 Enquiry of Tamil Nadu Co-operative Societies Act, 1983 issued by the 4th respondent herein dated 15.10.2018 and quash the same.

For Petitioner : Mr.P.Gurunathan
For Respondents : Mr.L.P.Shnmughasundaram

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Certiorari to call for the records of the impugned finding under Section 81 Enquiry of Tamil Nadu Co-operative Societies Act, 1983 issued by the 4th respondent herein dated 15.10.2018 and quash the same.

2. The petitioner was working as a Secretary in the 3rd respondent Society. Against him, an enquiry was initiated under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983. On conclusion of the enquiry, further action was initiated against him on the disciplinary side and finally, he was dismissed from service by proceedings dated 04.11.2019. Being aggrieved by the said order, the petitioner is before this Court.

3. Strangely, instead of challenging the order of terminating him from service, the petitioner is in fact, challenging 81 enquiry findings and seeks to sustain the writ petition on the basis of his self-serving factual averments.

4. This Court cannot embark upon the adjudication on the basis of the factual aspects, particularly, in the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. Even otherwise, how could the petitioner maintain this Writ Petition when the finding has been accepted and ultimately, final order has been passed on 04.11.2019 terminating the service of the petitioner. Therefore, the Writ petition as such, cannot be entertained and the same is not maintainable. Accordingly, this Writ Petition is dismissed as not maintainable. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

vs

To

1. The Joint Registrar of Co-operative Societies,
Cuddalore Zone, Cuddalore.

2. The Deputy Registrar of Co-operative Societies,
Cuddalore, Cuddalore District.

3. The President,
E-2610, Vasantharayanpalayam Urban,
Co-op. Credit Society Ltd.,
Cuddalore.

+1 CC to Mr.L.P.Shnmughasundaram, Advocate sr 32905

+1 CC to Govt. Pleader sr 32886.

W.P.No.13830 of 2020

RSV(CO)

SP(06/11/2020)