



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2020

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CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD) No.4861 of 2020

and

WMP (MD) No. 4240 of 2020

M. Suresh

... Petitioner

Vs.

1. The Deputy Registrar of Co-operative Societies,
Musiri Circle,
218/4, Government College Road,
Mela Vadugapatti, Elango Nagar,
Musiri Taluk,
Tiruchirappalli District.

2. S. Venkatesan,
Enquiry Officer,
R.1618, Varatharajapuram Primary Agricultural
Co-operative Society,
O/o.Deputy Registrar of Co-operative Societies,
Musiri Taluk, Thiruchirappalli District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ or Order or Direction in the nature of Writ, more particularly in the nature of **Writ of Certiorari**, calling for the records pertaining to the impugned show cause notice dated 28.11.2019 in Na.Ka.2886/2018/Sa.Ba issued by the 1st respondent and quash the same as illegal and unconstitutional.

For Petitioner: Mr. N.V. Negenthran

For R-1 : Mr.C. Mari Chelliah Prabhu
Additional Government Pleader

ORDER



the first respondent/Deputy Registrar of Co-operative Societies, Musiri Taluk, Tiruchirappalli District.

2. The petitioner was appointed as Assistant in Central Co-operative Bank Limited, Tiruchirappalli on 24.02.2016. He then joined as Assistant of Musiri Branch on 29.02.2016. He was then appointed as Circle Supervisor, Musiri Region-II Circle having control of Six societies, by order of the Managing Director on 01.03.2016 of the Tiruchirappalli District Central Co-operative Bank, Tiruchirappalli. He was also allotted two additional societies in which one of them was Varatharajapura Primary Agricultural Cooperative Credit Society. He worked as Supervisor from 13.02.2018 to 10.07.2019.

3. The petitioner claims that the first respondent had ordered for enquiry, dated 22.10.2018, under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 with regard to misappropriation in Varatharajapura Primary Agricultural Cooperative Credit Society for the period from 2017 - 2018. The petitioner was Circle Supervisor during the enquiry. He was asked to appear for enquiry by the second respondent, namely; the Enquiry Officer. He claims that he asked for supply of documents and his request was not complied with. He claims that an in-complete enquiry report was submitted on 01.07.2019. He further claims that a copy of the in-complete enquiry report was not given to him. However, perusal of the enquiry report revealed that the petitioner had actually appeared before the Enquiry officer and had also given a statement. The statement has also been reduced extensively in the report. Thereafter, it is also seen that the copy of the report was also served on the petitioner. Pursuant to the order of the report under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, further proceedings were conducted under Section 87 of the Tamil Nadu Co-operative Societies Act, 1983. The petitioner is aggrieved with the same. As against the same, a regular appeal lies under Section 152 of the Tamil Nadu Co-operative Societies Act, 1983. By the impugned show cause notice, dated 28.11.2019 the petitioner was asked to give explanation, within 15-days. The writ itself has been filed only on 05.03.2020 much later than that the 15-days time was granted to the petitioner.

4. The learned counsel appearing for the petitioner states that this Court has considered the said impugned notice and had granted stay for another delinquent. However, he cannot seek parity for two separate delinquents, since the charges are different, the materials against them are different and the defence taken by each one of them are different. The only manner in which this Court can enter and rescue the petitioner is to grant a period of 15-days to give his explanation/file an appeal, under Section 152 of the Tamil Nadu Co-operative Societies Act, 1983. Time is granted for giving explanation till **27.03.2020**. The petitioner may also file an appeal, if deemed necessary.



5. With the above observations, the Writ Petition stands disposed off. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

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Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

The Deputy Registrar of Co-operative Societies,
Musiri Circle,
218/4, Government College Road,
Mela Vadugapatti, Elango Nagar,
Musiri Taluk,
Tiruchirappalli District.

+1 CC to M/s.V.NAGENDRAN, Advocate (SR-10617[F] dated 09/03/2020)

W.P(MD) No.4861 of 2020
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