



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.4203 of 2019

and

W.M.P.(MD)Nos.3326 and 3327 of 2019

WEB COPY

M.Balakrishnan

... Petitioner

Vs.

1.The Joint Registrar Cooperative Societies,
Ramanathapuram District,
Ramanathapuram.

2.The Deputy Registrar Cooperative Societies,
Paramakudi Circle, Paramakudi,
Ramanathapuram District.

3.The Enquiry Officer/Cooperative Sub
Registrar/Field Officer,
The Q 1269, Keeranur Primary Agricultural
Cooperative Credit Society,
Muthukulathur Taluk,
Ramanathapuram District

4.P.Sasi @ Chandran,
Secretary (under suspension),
The Q 1269, Keeranur Primary Agricultural
Cooperative Credit Society,
Arunagiri Kottagai, Aapanur,
Muthukulathur Taluk,
Ramanathapuram District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 2nd respondent the enquiry report, proceedings No.Nil, dated 24.09.2018 under Section 81 of Tamil Nadu Cooperative Societies Act submitted by the 3rd respondent on pertaining to irregularities in the Q 1269, Keeranur Primary Agricultural Cooperative Credit Society and quash the same as illegal and as devoid of merits and direct the 2nd respondent to order fresh enquiry on irregularities in agricultural jewel loans and other jewel loans after obtaining society's records and jewel loan ledgers from the secretary/4th respondent.

For Petitioner : Mr.Raja.Karthikeyan

For Respondents : Mrs.S.Srimathy,

Special Govt. Pleader for R1 to R3



O R D E R

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3.

2.The challenge in this writ petition is to the validity of the impugned enquiry report submitted under Section 81 of the Tamil Nadu Cooperative Societies Act, 1983.

3.The learned counsel appearing for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. His core argument is that the entire enquiry report is vitiated. According to him, the enquiry official in this case was the person against whom the allegations have been primarily levelled. He therefore submitted that the principle that one cannot be a judge of his own cause is to be applied in this case and the enquiry report set aside.

4.Though I find the petitioner's counsel's submission to be quite persuasive, I am of the view that the writ petition is not maintainable. The enquiry report is at best a material for the consideration of the concerned authority to take consequential action. It is true that the enquiry report can be a basis for taking further action. But then, the further action or consequential action initiated by the authority can be put to challenge by the petitioner herein. All the contentions that are now raised can be projected in the subsequent contest. The enquiry report as such cannot be assailed.

5.In this regard, I may refer to the comparable position obtaining in service law. Disciplinary action is taken against delinquent employee. An enquiry report is submitted. The disciplinary authority may accept the enquiry report in full or he may reject it also. Therefore, it has been held that a challenge to the enquiry report will not lie. Applying the same analogy, I hold that challenge to the report under Section 81 of the Tamil Nadu Cooperative Societies Act, 1983 also will not lie. I make it clear that all the contentions and the defences of the petitioner are left open.

6.With this liberty, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The Joint Registrar Cooperative Societies,
Ramanathapuram District,
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KB(10.09.2020) 3P 4C