



WEB COPY

W.P.(MD)No.13533 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2020

CORAM:

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.[MD]No.13533 of 2020

and

W.M.P (MD) .No.11279 of 2020

C.Dharmalingam

... Petitioner

Vs.

1.The Deputy Registrar of Co-operative Societies

Trichy Circle

Trichy 20

2.The President

R-514, Thuvarankurichi Primary Agriculture

Co-operative Credit Society

Thurvarankurichi

Trichy District

... Respondents

PRAYER : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to impugned order of the second respondent vide his proceedings No.Nil dated 10.09.2019 and quash the same as illegal and consequently direct the respondents to reinstate the petitioner's service with incidental benefits.

For Petitioner : Mr.T.Vadivelan

For R-1 : Mr.M.Jeyakumar
Additional Government Pleader

For R-2 : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

O R D E R

This Writ petition has been filed to call for the records pertaining to the impugned order of the second respondent vide his proceedings No.Nil dated 10.09.2019 and quash the same as illegal and consequently direct the respondents to reinstate the petitioner's service with incidental benefits.

2.The case of the petitioner is that he was appointed as a Sales Man in the second respondent society in the year 2003, then he was promoted as Secretary. Since from 2003 onwards, the petitioner is working in the second respondent society. In this circumstance, the first respondent has ordered to conduct enquiry to find out the

<https://hdservices.courts.gov.in/responses>



irregularities and misappropriation relating to jewel loan where the petitioner was found guilty and hence, the petitioner was placed under suspension from service by an impugned order of the second respondent, dated 10.09.2019. Aggrieved over the same, the petitioner has filed this present Writ petition.

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3.The learned counsel for the petitioner has brought to the notice of this Court that there has been an inordinate delay in completion of the disciplinary proceedings initiated by the second respondent. The learned counsel has referred Section 81(4) of the Tamil Nadu Co-operative Societies Act, 1983 which is extracted below:-

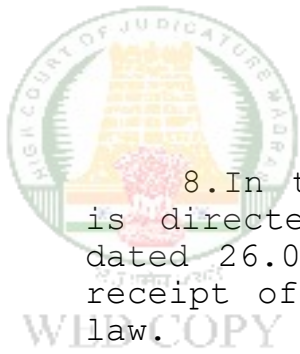
"81(4).The inquiry shall be completed within a period of three months from the date of ordering the inquiry or such further period or periods not exceeding three months at a time as the next higher authority may permit provided that such extended periods shall not exceed six months in the aggregate"

4.As per the said provision, the petitioner submitted that the Enquiry Officer should complete the enquiry within a period of six months from the date of ordering the enquiry. But in the present case, the suspension order was issued on 10.09.2019 and it is continued almost 13 months without any valid reasons. Till date the Enquiry Officer has not filed any enquiry report. Therefore, the petitioner has given a representation, dated 26.09.2020 for revocation of suspension order dated 10.09.2019 on the basis of the lapse of time limit provided under Section 81(4) of the Tamil Nadu Co-operative Societies Act, 1983.

5.Per contra, the learned Additional Government Pleaders appearing for the respondents submitted that the Enquiry Officer was appointed and the enquiry was also completed. Now they are going to conduct the domestic enquiry. Therefore, they seek time to complete the enquiry.

6.Heard the learned counsel for the petitioner and the learned Additional Government Pleaders appearing for the respondents 1 and 2.

7.As per Section 81(4) of the Tamil Nadu Co-operative Societies Act, 1983, the respondents should have completed the enquiry within a period of six months from the date of ordering the enquiry. But in the case on hand, the respondents have not completed the enquiry so far. However, the learned Additional Government Pleaders appearing for the respondents submitted that even after expiry of time, they have empower to extend further time after getting appropriate approval from the higher authority. They further submitted that all these aspects can be considered by the respondents while disposing of the petitioner's representation, dated 26.09.2020.



8.In the light of the above submission, the second respondent is directed to dispose of the representation of the petitioner, dated 26.09.2020, within a period of four weeks from the date of receipt of a copy of this order, on merits and in accordance with law.

9.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msa

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 Deputy Registrar of Co-operative Societies
Trichy Circle
Trichy 20
- 2.The President
R-514, Thuvarankurichi Primary Agriculture
Co-operative Credit Society
Thurvarankurichi
Trichy District

W.P. [MD]No.13533 of 2020
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AP (28.10.2020) 3P 3C