

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.04.2021

CORAM

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No. 7435 of 2018

and

WMP.No. 9234 of 2018

J.Karthikeyan

S/o. Jaganatha Mudaliar

..Petitioner

Vs

1. The Deputy Registrar (Dairying)

M.C.Road, Samathuvapuram,

Sathyamangalam Post,

Poigai, Vellore - 632114.

Vellore District.

2.The President

C-1706 Sholingapuram Milk Producers Cooperative Society

No. 25, Venkatrayapillai Street,

Sholingapuram Post,

Vellore District - 631102

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings No. Tha. Thi. 02/2017-18 dt 19.3.2018 and quash the same in so far relates to the petitioner is concerned and consequently direct the 1st respondent to furnish the copy of the enquiry report made u/s 81 of Tamil Nadu Cooperative Societies Act to the petitioner.

For Petitioner : Mr.S.Karthikeyan
for M/s.C.Prakasam

For Respondents :Mr.L.P. Shanmugasundaram,Spl.GP-R2
Ms.T.Girija,AGP - R1

O R D E R

The prayer sought for in the Writ Petition is to call for the entire records relating to the impugned order passed by the 1st respondent in his proceedings No. Tha. Thi. 02/2017-18 dt 19.3.2018 and quash the same in so far relates to the petitioner is concerned and consequently direct the 1st respondent to

furnish the copy of the enquiry report made u/s 81 of Tamil Nadu Cooperative Societies Act to the petitioner.

Brief facts of the case :

2. The writ petitioner was working as Manager in the 2nd respondent society till 31.05.2017 and on the date of superannuation, he was not allowed to retire from service. The 1st respondent ordered enquiry U/s.81 of Tamil Nadu Cooperative Societies Act. Further the 1st respondent issued show cause notice U/s. 87 of the Tamil Nadu Cooperative Societies Act calling for explanation from the petitioner and passed order vide proceedings in No.Thi.Thi.02/2017-18, dated 19.03.2018. Challenging the same, the present writ petition is filed.

3. The learned Special Government Pleader appearing for the respondents submitted that the petitioner has challenged the show cause notice, therefore, the writ petition is not maintainable. The grievance of the petitioner that the report was not furnished to the petitioner is not correct and the petitioner without ascertaining from the respondents, has approached this Court.

4. Heard both sides and perused the documents available on record.

5. According to the learned counsel for the petitioner, the 1st respondent has not furnished the enquiry report to the petitioner, prior to the show cause notice served U/s.87 of the Tamil Nadu Cooperative Societies Act . Since the challenge in the writ petition is against the show cause notice, this Court cannot entertain the same. However, the learned Special Government Pleader submitted that if the petitioner made request to the respondent, the enquiry report will be furnished by the concerned authority.

6. In view of the submissions made by the learned Special Government Pleader, the following order is passed;

i. The petitioner shall submit his representation to the 1st respondent seeking copy of the enquiry report within a period of three (3) weeks from the date of receipt of a copy of this order.

ii. On receipt of such representation from the petitioner, the 1st respondent shall furnish a copy of the enquiry report to the petitioner at the earliest and thereafter the 1st respondent shall proceed with the proceedings issued in No.Thi.Thi.02/2017-18, dated 19.03.2018.

6. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Deputy Registrar (Dairying)

M.C.Road, Samathuvapuram,
Sahyamangalam Post,
Poigai, Vellore - 632114.
Vellore District.

2.The President

C-1706 Sholingapuram Milk Producers Cooperative Society
No. 25, Venkatrayapillai Street,
Sholingapuram Post,
Vellore District - 631 102.

+1cc to Mr.C.Prakash, Advocate, S.R.No. 22336

+1cc to the Special Government Pleader(Co.OP), S.R.No. 22211

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and
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SSN(CO)
GN(17/06/2021)

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