

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 27.04.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.9961 of 2015

D.Uma Rani

...Petitioner

Vs

1.The Joint Registrar of
Co-operative Societies,
Thiruvallur, Tiruvallur District.

2.The President,
K.P.(SPL)104,
Nemam Primary Agricultural
Co-operative Credit Society,
Nemam Village & Post,
Poonamallee Taluk, Tiruvallur District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the Joint Registrar of Co-operative Societies, Thiruvallur, Thiruvallur Region the first respondent herein in Na.Ka.57/2015/A3 dated 09.03.2015, quash the same as arbitrary, illegal and violation of natural justice and to reinstate the petitioner with all backwages and attendant benefits within short date.

For Petitioner : Mrs.G.Sridevi

For Respondents: Mrs.T.Girija, GA

O R D E R

By consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioner herein, while serving as a Sales Woman in the second respondent Society, was imputed with certain charges of creating bogus bills in the fair price shop, through a charge memo dated 09.06.2014. Pursuant to an enquiry, the petitioner was dismissed from her services and the revision filed against the same under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983, was also rejected. Challenging the same, the present writ petition has been filed.

3. One of the predominant ground raised by the petitioner is that, all along, the petitioner had been requesting for the documents supporting the charge memo, which has not been supplied to her and therefore, has questioned the decision making process of the Enquiry Officer. It is seen from the representation given by the petitioner on 09.12.2014 to the second respondent herein, that the petitioner had specifically stated that the Enquiry Officer had directed the petitioner to make a representation to the second respondent seeking for supply of the documents in support of the charge memo. Likewise, in the grounds raised by the petitioner in the revision filed under Section 153 of the Act, a specific stand has been taken for supply of the documents. Thus, it cannot be stated that the petitioner had not made any request in this regard. The impugned order passed in the revision, stating that the petitioner had not requested for documents, thus, may not be correct.

4. It is pertinent to point out herein that even when the charges were framed, the list of documents, on which the charges were relied upon, has not been annexed or referred to. Even in charges of this nature, the delinquent may be justified in seeking for documents, without which, an effective defense may not be possible. In view of non-supply of these documents, the entire decision making process itself may not be justifiable and therefore, this Court would be justified in invoking its powers under Article 226 of the Constitution of India. However, if the respondents are at liberty to conduct a fresh enquiry for supply of the documents, on which reliance is placed for substantiating the charges of the petitioner, the ends of justice could be secured.

5. In the light of the above observations, the impugned order dated 09.03.2015 is set aside and the matter is remanded back to the first respondent herein for conducting a fresh enquiry. The first respondent herein is called upon to supply copies of all the documents, on which reliance is placed for, to substantiate the charges against the petitioner, within a period of 4 weeks from the date of receipt of a copy of this order. On receipt of such documents, the petitioner will be entitled to raise her objections, within 4 weeks therefrom. Pursuant to the objections, if any, the enquiry shall be proceeded with, in case the respondents are of the view that such an enquiry is required and complete the entire process, atleast within a period of 3 months therefrom.

6. With the above directions, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

hvk

To

1.The Joint Registrar of
Co-operative Societies,
Thiruvallur, Tiruvallur District.

2.The President,
K.P. (SPL)104,
Nemam Primary Agricultural
Co-operative Credit Society,
Nemam Village & Post,
Poonamallee Taluk,
Tiruvallur District.

+1cc to the Government Pleader Sr.25966

W.P.No.9961 of 2015

ajs[col]
srg 10/06/2021

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