



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WP.No.15528/2021 & WMP.No.16448/2021

[Video Conferencing]

D.Uma Mageswari

.. Petitioner

Vs

1.The Joint Registrar of Cooperative Societies
Vellore District, Collectorate Campus,
Sathuvachari, Vellore 632 009.

2.The Joint Registrar/Managing Director,
District Central Cooperative Bank Ltd.,
Vellore District, Anna Salai, Vellore 632 001.

3.The Deputy Registrar of Cooperative Societies
O/o.Deputy Registrar of Cooperative Societies
Vellore Region, No.6, Tulasingham Street,
Sankarampalayam, Vellore 632001.

4.Mr.R.Dhanapal

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus directing the respondents to furnish the copy of section 81 enquiry report based on the enquiry dated 20.11.2020 vide notice issued by Section 81 Enquiry Officer/Sub Registrar, Vellore in No.Nil dated 07.11.2020 in consideration of representation submitted by the petitioner dated 02.07.2021 within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.C.Kathiravan
Government Advocate

ORDER

1. By consent, the writ petition is taken up for final disposal and disposed of by this order.
2. Mr.C.Kathiravan, learned Government Advocate accepts notice on behalf of the respondents.



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3. The present writ petition is seeking for issuance of a mandamus to direct the respondents to furnish a copy of the Enquiry Report to the petitioner on the basis of the enquiry conducted by the Enquiry Officer/Sub Registrar, Vellore, by considering the representation submitted by the petitioner dated 02.07.2021.
4. The case of the petitioner is that while she was working as Manager at Gudiyatham Cooperative Bank Limited, she was subjected to an enquiry under Section 81 of the Tamil Nadu Cooperative Societies Act, 1983, [hereinafter referred to as 'the Act, 1983'], wherein it was found that there are materials to indicate that the petitioner was involved in misappropriation. The petitioner, had earlier issued a Legal Notice to the Deputy Registrar, regarding certain lapses and that the petitioner now projects the same as a reason for being victimised by the respondents for involving her in misappropriation in the Society. After the first enquiry under Section 81 of the Act, 1983, was completed, it was stated that the Deputy Registrar, not being satisfied with the Enquiry Report submitted by the Enquiry Officer, ordered for further enquiry during March 2021, against the petitioner. The petitioner states that this act/conduct of the Deputy Registrar to conduct further enquiry till he gets a favourable Report, is highly arbitrary, unlawful. The petitioner also states that he attended the enquiry pursuant to the direction of the 2nd respondent.
5. The grievance of the petitioner is that she should be supplied with the Enquiry Report in order to portraint and justify her stand that the second enquiry is not permissible. In this regard, the petitioner submitted a representation to the 3rd respondent dated 02.07.2021 to furnish a copy of the Enquiry Report along with the documents. Since no response is forth coming on the side of the respondent, the present writ petition is filed seeking the aforesaid prayer.
6. This Court heard the rival submissions and also perused the materials placed before it.
7. A perusal of the typed set of papers would reveal that the representation of the petitioner was turned down by the Deputy Registrar of the Cooperative Societies on the ground that the Enquiry Report had already been forwarded to the Vellore District Central Cooperative Bank and therefore, the said Report can be obtained by the petitioner from the said Cooperative Bank/Disciplinary Authority.
8. However, it is not informed as to the particular officer/authority before whom the petitioner should approach.



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9. Considering the grievance of the petitioner and the facts narrated before this Court, this Court is of the view that the petitioner is entitled to a copy of the Enquiry Report along with documents, if any that form the very basis for proceeding against her. Though the respondents are expected to have the Enquiry Report, it is quite unnatural to direct the petitioner to approach the Disciplinary Authority. Having passed an order for further enquiry after going through the first Enquiry Report, the 3rd respondent cannot refuse to furnish the same to the petitioner. Even if the Report is available with the Disciplinary Authority, the same can be furnished to the petitioner by issuing appropriate direction to the concerned authority before whom the Enquiry Report is available.

10. In order to avoid delay, this writ petition is disposed of with a direction to the 3rd respondent to consider the representation of the petitioner dated 02.07.2021 and see that the Enquiry Report and other documents are furnished to her through the concerned authority within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The Joint Registrar of Cooperative Societies
Vellore District, Collectorate Campus,
Sathuvachari, Vellore 632 009.
- 2.The Joint Registrar/Managing Director,
District Central Cooperative Bank Ltd.,
Vellore District, Anna Salai, Vellore 632 001.
- 3.The Deputy Registrar of Cooperative Societies
O/o.Deputy Registrar of Cooperative Societies
Vellore Region, No.6, Tulasingam Street,
Sankarampalayam, Vellore 632001.

+1cc to the Government Pleader, Sr.No.36938

WP.No.15528/2021

PCH(CO)
SB(26/08/2021)