



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2021

CORAM:

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P (MD) No. 10568 of 2010

and

M.P. (MD) Nos. 1 and 2 of 2010

J. Balu Sekar

... Petitioner

Vs.

1. The State of Tamil Nadu,
represented by the Secretary to Government,
Co-operation, Food and Consumer Protection Department,
St. George Fort, Chennai-600 009.

2. The Joint Registrar of Co-operative Societies,
Tirunelveli Region, Tirunelveli.

3. The Administrator,
Vallioor Co-op. Agricultural and Rural
Development Bank Ltd., D.R.L. (E) 11,
Panagudi-627 109,
Tirunelveli District.

... Respondents

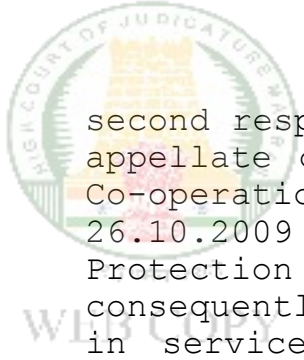
Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the records in pursuant to the Termination order passed by the third respondent in proceeding, dated 06.06.2005 and the consequential revision order passed by the second respondent in Na.Ka.11192/07, Sa.Pa. Dated 30.06.2008 and the appellate order, passed by the first respondent in G.O.(2D) No.110 Co-operation, Food and Consumer Protection Department, dated 26.10.2009 and in G.O.(2D) No.21, Co-operation, Food and Consumer Protection Department, dated 05.03.2010 and quash the same and consequently to direct the respondents to reinstate the petitioner in service with backwages and all attendant and consequential service benefits.

For Petitioner : Mr. M. Saravana Kumar
for Mr. M. Karl Marx

For Respondents : Mr. D. Muruganantham
Additional Government Pleader
for R.1 & R2
Mr. K. Bala Subramanian
for R.3

ORDER

This writ petition has been filed seeking a writ of Certiorarified Mandamus to call for the records in pursuant to the Termination order passed by the third respondent in proceeding, dated 06.06.2005 and the consequential revision order passed by the



second respondent in Na.Ka.11192/07, Sa.Pa. Dated 30.06.2008 and the appellate order, passed by the first respondent in G.O.(2D) No.110 Co-operation, Food and Consumer Protection Department, dated 26.10.2009 and in G.O.(2D)No.21, Co-operation, Food and Consumer Protection Department, dated 05.03.2010 and quash the same and consequently to direct the respondents to reinstate the petitioner in service with back wages and all attendant and consequential service benefits.

2. The case of the petitioner is that the petitioner was initially appointed as Office Assistant in the third respondent Bank, on 01.11.1975 and subsequently, he was promoted as Supervisor on 01.04.1980. While so, a charge memo, dated 01.04.1980, was issued by the third respondent and the same was served on him on 01.04.1980 by stating that the petitioner temporarily misappropriated the collection amount to the tune of Rs.6,000/- and Rs.3,393/-, which amounted to dereliction of duty.

3. The petitioner collected the amount from the members of the Vallioor Primary Agricultural and Rural Development Bank and issued a temporary receipt and thereafter, the said amount was not remitted to the Bank account. After one year, that amount was remitted to the Bank, for which, the petitioner was issued with a show cause notice and an enquiry was conducted. After conduct of the enquiry, the Enquiry Officer submitted a report holding the petitioner guilty of the charges framed against him. Based on the said report, the disciplinary authority terminated the petitioner from service on 06.06.2005. The said order of termination was challenged by the petitioner by filing a writ petition in W.P.No.1623 of 2006 and the same was disposed of on 13.07.2007, with a direction to the petitioner to file revision petition before the competent authority. As per the directions of this Court, the petitioner filed a revision before the second respondent and the same was rejected on 30.06.2008, against which, the petitioner filed an appeal before the first respondent and the same was also rejected on 30.06.2008. Against the same, the petitioner filed a review application and the same was also rejected on 05.03.2010. Challenging the same, the present Writ Petition is filed by the petitioner seeking the above stated relief.

4. Learned Counsel appearing for the petitioner submits that while the petitioner was working as a Supervisor, he had collected the loan amount from the members of the third respondent Bank and the same was entered in the passbook of the concerned persons and immediately after collection of the said amounts, they were handed over to the Secretary of the Bank for crediting the said amount in the books of the third respondent Bank. However, the Secretary did not remit the amounts with the third respondent Bank, for which, the petitioner was issued with a charge memo. It is the further submission of the learned counsel for the petitioner that without considering the detailed explanation offered by the petitioner and without examining any witnesses, the enquiry officer has held the

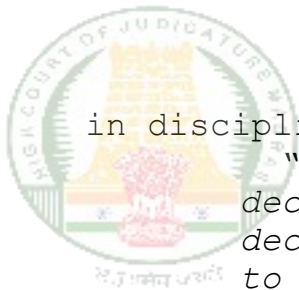
petitioner guilty, which order is wholly unsustainable.

5. Further the learned counsel for the petitioner submits that all the amounts, which were collected from the members of the Bank, were handed over to the Secretary of the Bank and therefore, action ought to have been initiated against the Secretary of the Bank and not against the petitioner. Further, a copy of the enquiry report was not furnished to the petitioner, so as to enable the petitioner to give a detailed reply. Without furnishing the enquiry report, the original authority imposed the order of punishment, which is contrary to the well established procedures and the same was confirmed by the revisional and appellate authorities, which shows non-application of mind and, therefore, the said impugned orders requires interference.

6. Learned Additional Government Pleader appearing for the second respondent submits that the third respondent, in his charge memo, dated 29.11.2004, had framed eight charges against the petitioner and the enquiry officer, after scrutinizing the documents filed by the third respondent bank, has come to the conclusion that the charges were proved against the petitioner. The petitioner, as supervisor, had collected the amount from the members of the Bank and entered the same in the passbook of the loanee, which was marked as Exhibit No.M1, which clearly shows that the petitioner had collected the loan amounts from the members of the Bank. The said collection amounts were not remitted with the third respondent Bank immediately, however, the same was remitted to the Bank only on 02.09.2004 as per Exhibit No.M12. The petitioner has also failed to hand over the receipt book to the third respondent Bank. Only after taking sustained efforts and paper publication, the petitioner handed over the receipt book on 02.09.2004 to the third respondent Bank. Based on the enquiry, a show cause notice was issued to the petitioner on 28.04.2005 by registered post, which the petitioner failed to receive and, therefore, another opportunity was given to the petitioner to receive the domestic enquiry report along with the show cause notice on 25.05.2005 or 26.05.2005. However, the petitioner has not availed that opportunity and failed to give explanation to the show cause notice. Therefore, the disciplinary authority had acted on the basis of the enquiry report and the other materials placed before him and the same does not call for any interference. Further, the revisional and appellate authorities have also applied their minds independently and passed the rejection orders, which deserves to be sustained.

7. Heard the learned Counsel for the petitioner, the learned Additional Government Pleader appearing for the second respondent and the learned Counsel appearing for the third respondent and perused the materials placed on record.

8. The Hon'ble Supreme Court, in **B.C. Chaturvedi v. Union of India, (1995 (6) SCC 749)**, while dealing with issue relating to the power of the Court relating to judicial review of the order passed



in disciplinary proceedings, held as under :

"12. Judicial review is not an appeal from a decision but a review of the manner in which the decision is made. Power of judicial review is meant to ensure that the individual receives fair treatment and not to ensure that the conclusion which the authority reaches is necessarily correct in the eye of the court. When an inquiry is conducted on charges of misconduct by a public servant, the Court/Tribunal is concerned to determine whether the inquiry was held by a competent officer or whether rules of natural justice are complied with. Whether the findings or conclusions are based on some evidence, the authority entrusted with the power to hold inquiry has jurisdiction, power and authority to reach a finding of fact or conclusion. But that finding must be based on some evidence. Neither the technical rules of Evidence Act nor of proof of fact or evidence as defined therein, apply to disciplinary proceeding. When the authority accepts that evidence and conclusion receives support therefrom, the disciplinary authority is entitled to hold that the delinquent officer is guilty of the charge. The Court/Tribunal in its power of judicial review does not act as appellate authority to reappreciate the evidence and to arrive at its own independent findings on the evidence. The Court/Tribunal may interfere where the authority held the proceedings against the delinquent officer in a manner inconsistent with the rules of natural justice or in violation of statutory rules prescribing the mode of inquiry or where the conclusion or finding reached by the disciplinary authority is based on no evidence. If the conclusion or finding be such as no reasonable person would have ever reached, the Court/Tribunal may interfere with the conclusion or the finding, and mould the relief so as to make it appropriate to the facts of each case.

13. The disciplinary authority is the sole judge of facts. Where appeal is presented, the appellate authority has coextensive power to reappreciate the evidence or the nature of punishment. In a disciplinary inquiry, the strict proof of legal evidence and findings on that evidence are not relevant. Adequacy of evidence or reliability of evidence cannot be permitted to be canvassed before the Court/Tribunal. In Union of India v. H.C. Goel [(1964) 4 SCR 718 : AIR 1964 SC 364 : (1964) 1 LLJ 381] this Court held at p. 728 that if the conclusion, upon consideration of the evidence reached by the disciplinary authority, is perverse or suffers from



patent error on the face of the record or based on no evidence at all, a writ of certiorari could be issued."

(Emphasis Supplied)

9. The above view has been reiterated by the Hon'ble Supreme Court in **Principal Secy. Govt. of A.P. v. M. Adinarayana, (2004 (12) SCC 579)**, wherein, it has been held as under :-

"23. We have read this charge in the light of allegations in support thereof. In the instant case, it is not disputed that the respondent has neither supplied any prior information on the Government nor did he send any prior intimation to the Government. By not doing this, he has contravened the provisions of Rule 9. The Tribunal has also categorically held that the respondent has not applied for prior information before he purchased the items from the competent authority nor he intimated to the competent authority forthwith soon after the purchase of the several items. Therefore, in our view, the charged officer has violated Rule 9 of the Conduct Rules and thus is guilty of misconduct within Rule 2-H (sic) of the Andhra Pradesh Disciplinary Amendment Act, 1993. In view of the abovesaid finding we hold that respondent is guilty of both the charges framed against him within Rule 2 (b) of the Conduct Rules of 1961 framed under the Amendment Act, 1993.

* * * * *

26. In our opinion, judicial review cannot extend to the examination of the correctness of the charges as it is not an appeal but only a review of the manner in which the decision was made. We have, therefore, no hesitation in setting aside the order of the Andhra Pradesh Administrative Tribunal and the judgment of the Division Bench of the High Court for reasons stated (supra). The order passed by the Government removing the respondent from service is in order and, therefore, the appeal filed by the appellant State stands allowed. Further, there will be no order as to costs."

10. In a recent decision in **Director General of Police, RPF & Ors. - Vs - Rajendra Kumar Dubey (C.A. No.3820/2020 dated 25.11.20)**, the Hon'ble Supreme Court, advertent to the various decisions of the Apex Court relating to the interference by the High Court in exercise of its writ jurisdiction with respect to disciplinary proceedings, including the decision in *Chaturvedi's case* (supra), held as under :-

"12.1

<https://hcservices.ecourts.gov.in/hcservices/> It is well settled that the High Court must not act as an appellate authority, and re-appreciate the evidence led before the enquiry



officer.

We will advert to some of the decisions of this Court with respect to interference by the High Courts with findings in a departmental enquiry against a public servant.

In **State of Andhra Pradesh v S.Sree Rama Rao**, a three judge bench of this Court held that the High Court under Article 226 of the Constitution is not a court of appeal over the decision of the authorities holding a departmental enquiry against a public servant. It is not the function of the High Court under its writ jurisdiction to review the evidence, and arrive at an independent finding on the evidence. The High Court may, however interfere where the departmental authority which has held the proceedings against the delinquent officer are inconsistent with the principles of natural justice, where the findings are based on no evidence, which may reasonably support the conclusion that the delinquent officer is guilty of the charge, or in violation of the statutory rules prescribing the mode of enquiry, or the authorities were actuated by some extraneous considerations and failed to reach a fair decision, or allowed themselves to be influenced by irrelevant considerations, or where the conclusion on the very face of it is so wholly arbitrary and capricious that no reasonable person could ever have arrived at that conclusion. If however the enquiry is properly held, the departmental authority is the sole judge of facts, and if there is some legal evidence on which the findings can be based, the adequacy or reliability of that evidence is not a matter which can be permitted to be canvassed before the High Court in a writ petition.

These principles were further reiterated in the **State of Andhra Pradesh v Chitra Venkata Rao**. The jurisdiction to issue a writ of certiorari under Article 226 is a supervisory jurisdiction. The court exercises the power not as an appellate court. The findings of fact reached by an inferior court or tribunal on the appreciation of evidence, are not re-opened or questioned in writ proceedings. An error of law which is apparent on the face of the record can be corrected by a writ court, but not an error of fact, however grave it may be. A writ can be issued if it is shown that in recording the finding of fact, the tribunal has erroneously refused to admit admissible and material evidence, or had erroneously admitted inadmissible evidence. A finding of fact recorded by the tribunal cannot be challenged on the ground that the material evidence adduced before the



tribunal is insufficient or inadequate to sustain a finding. The adequacy or sufficiency of evidence led on a point, and the inference of fact to be drawn from the said finding are within the exclusive jurisdiction of the tribunal.

In subsequent decisions of this Court, including **Union of India v. G. Ganayutham, Director General RPF v. Ch. Sai Babu, Chennai Metropolitan Water Supply and Sewerage Board v T.T. Murali, Union of India v. Manab Kumar Guha**, these principles have been consistently followed.

In a recent judgment delivered by this Court in the **State of Rajasthan & Ors. v. Heem Singh** this Court has summed up the law in following words :

"33. In exercising judicial review in disciplinary matters, there are two ends of the spectrum. The first embodies a rule of restraint. The second defines when interference is permissible. The rule of restraint constricts the ambit of judicial review. This is for a valid reason. The determination of whether a misconduct has been committed lies primarily within the domain of the disciplinary authority. The judge does not assume the mantle of the disciplinary authority. Nor does the judge wear the hat of an employer. Deference to a finding of fact by the disciplinary authority is a recognition of the idea that it is the employer who is responsible for the efficient conduct of their service. Disciplinary enquiries have to abide by the rules of natural justice. But they are not governed by strict rules of evidence which apply to judicial proceedings. The standard of proof is hence not the strict standard which governs a criminal trial, of proof beyond reasonable doubt, but a civil standard governed by a preponderance of probabilities. Within the rule of preponderance, there are varying approaches based on context and subject. The first end of the spectrum is founded on deference and autonomy - deference to the position of the disciplinary authority as a fact finding authority and autonomy of the employer in maintaining discipline and efficiency of the service. At the other end of the spectrum is the principle that the court has the jurisdiction to interfere when the findings in the enquiry are based on no evidence or when they suffer from perversity. A failure to consider vital evidence is an incident of what the law regards as a perverse determination of fact. Proportionality is an entrenched feature of our jurisprudence.



Service jurisprudence has recognized it for long years in allowing for the authority of the court to interfere when the finding or the penalty are disproportionate to the weight of the evidence or misconduct. Judicial craft lies in maintaining a steady sail between the banks of these two shores which have been termed as the two ends of the spectrum. Judges do not rest with a mere recitation of the hands-off mantra when they exercise judicial review. To determine whether the finding in a disciplinary enquiry is based on some evidence an initial or threshold level of scrutiny is undertaken. That is to satisfy the conscience of the court that there is some evidence to support the charge of misconduct and to guard against perversity. But this does not allow the court to re-appreciate evidentiary findings in a disciplinary enquiry or to substitute a view which appears to the judge to be more appropriate. To do so would offend the first principle which has been outlined above. The ultimate guide is the exercise of robust common sense without which the judges' craft is in vain."

In **Union of India v. P. Gunasekaran**, this Court held that the High Court in exercise of its power under Articles 226 and 227 of the Constitution of India shall not venture into re-appreciation of the evidence. The High Court would determine whether : (a) the enquiry is held by the competent authority; (b) the enquiry is held according to the procedure prescribed in that behalf; (c) there is violation of the principles of natural justice in conducting the proceedings; (d) the authorities have disabled themselves from reaching a fair conclusion by some considerations which are extraneous to the evidence and merits of the case; (e) the authorities have allowed themselves to be influenced by irrelevant or extraneous considerations; (f) the conclusion, on the very face of it, is so wholly arbitrary and capricious that no reasonable person could ever have arrived at such conclusion; (g) the disciplinary authority had erroneously failed to admit the admissible and material evidence; (h) the disciplinary authority had erroneously admitted inadmissible evidence which influenced the finding; (i) the finding of fact is based on no evidence.

In paragraph 13 of the judgment, the Court held that :

<https://hcservices.ecourts.gov.in/hcservices/>

"13. Under Articles 226 / 227 of the Constitution of India, the High Court shall not :



- (i) re-appreciate the evidence;
- (ii) interfere with the conclusions in the enquiry, in the case the same has been conducted in accordance with law;
- (iii) go into the adequacy of the evidence;
- (iv) go into the reliability of the evidence;
- (v) interfere, if there be some legal evidence on which findings can be based;
- (vi) correct the error of fact however grave it may appear to be;
- (vii) go into the proportionality of punishment unless it shocks its conscience."

(Emphasis Supplied)

11. From the ratio laid down above, it is implicitly clear that the Courts, in exercise of its power of judicial review, cannot extend the examination to the correctness of the act of the disciplinary authority, but only limit itself to the manner in which the decision has been arrived at by the authorities and whether the same is in accordance with law. This Court is to test only the correctness of the decision arrived at by the authorities on the basis of the evidence before it and not proceed with the case as if it is an appeal against the impugned order.

12. A perusal of the records reveal that documentary evidence has been placed by the Management to sustain its case that the petitioner had collected the amounts and had not deposited the same immediately, though the said amounts have been entered in the pass books of the loanee and the same were deposited to the credit of the third respondent bank only much later in point of time. The petitioner, in his affidavit, has clearly admitted collection of the amounts from the members of the bank and, in that scenario, there is no need for the bank to let in oral evidence. Only when receipt of amount is disputed, it becomes necessary for the bank to let in oral evidence. When the petitioner, on his own volition, had accepted receipt of the amount and entering the receipt in the pass books of the concerned individuals, non-examination of witnesses would in no way jeopardize the case of the bank. Though it is the case of the petitioner that he had handed over the money collected to the Secretary, however, no evidence in support of the same has been placed by the petitioner before the enquiry officer to substantiate his case. Therefore, considering the materials placed before him, the enquiry officer has held that the documentary evidence are very much against the petitioner and, therefore, the charges framed against the petitioner stood proved. This Court, is in complete agreement with the findings recorded by the enquiry officer.

13. Insofar as the contention of the petitioner relating to non-providing of the enquiry report and calling for further explanation by issuing show cause notice is concerned, it is the stand of the Bank that the enquiry report along with the show cause notice was sent to the petitioner twice, however, the petitioner did



not receive the same. In such a backdrop, the disciplinary authority had proceeded to act on the enquiry report.

14. It is evident from paragraph No.13 of the affidavit filed in support of this writ petition, the petitioner has mentioned that the second respondent issued a paper publication on 29.05.2005 stating that the petitioner should submit his explanation on the enquiry report within seven days from the date of publication. Thereafter, the petitioner approached the Bank on 04.06.2005 on which date, he found the gate of the bank locked and, therefore, he could not approach the bank. Though such a contention is raised by the petitioner, it is to be pointed out that when the petitioner is aware of the proceedings that is being taken up against him, in due diligence, the petitioner should have kept in touch with the bank to know about the status of the proceeding. However, for reasons best known, the petitioner had not participated in the enquiry proceedings, which left the enquiry officer to conclude the proceedings.

15. It is to be pointed out that it is borne out by the record that the stand of the Bank stands vindicated by the documentary evidence placed before the enquiry officer. The bank had sent the show cause notice along with the enquiry report twice to the petitioner through registered post, however, the petitioner had not received the same and had returned it. Further, paper publication in this regard was also issued by the bank, which has been admitted by the petitioner in his affidavit. That being the factual position, the stand of the petitioner that he was not provided with the copy of the enquiry report and no show cause notice was issued calling for further explanation from him does not merit acceptance.

16. The Hon'ble Supreme Court, in *Rajendra Kumar Dubey's case* (*supra*), following the ratio laid down in *Gunasekaran's case* has held that the High Court, sitting under Article 226 of the Constitution, while determining its scope of interference in a departmental proceedings is only bound to determine whether (a) the enquiry is held by the competent authority; (b) the enquiry is held according to the procedure prescribed in that behalf; (c) there is violation of the principles of natural justice in conducting the proceedings; (d) the authorities have disabled themselves from reaching a fair conclusion by some considerations which are extraneous to the evidence and merits of the case; (e) the authorities have allowed themselves to be influenced by irrelevant or extraneous considerations; (f) the conclusion, on the very face of it, is so wholly arbitrary and capricious that no reasonable person could ever have arrived at such conclusion; (g) the disciplinary authority had erroneously failed to admit the admissible and material evidence; (h) the disciplinary authority had erroneously admitted inadmissible evidence which influenced the finding. (i) the finding of fact is based on no evidence.



17. In the case on hand, as could be seen from the materials, though violations of principles of natural justice is claimed by the petitioner stating that he has not been provided with the enquiry report and show cause notice was not issued calling for further explanation on the basis of the enquiry report, as already held by this Court above, the said contentions does not merit acceptance. Once a finding is rendered by the enquiry officer, which has been accepted by the disciplinary and appellate authorities, as stated above, this Court, sitting under Article 226 of the Constitution cannot reappreciate the evidence in toto, as if it is sitting in appeal. Once this Court finds that the procedure has been followed in the conduct of the disciplinary proceedings, unless it is shown that a fair conclusion is not reached or that the evidence has not been admitted or inadmissible evidence has been admitted which prevailed upon the disciplinary authority to come to the erroneous conclusion, this Court would not be justified in interfering with the decision arrived at by the disciplinary authority. Further, the petitioner having not participated in the enquiry proceeding, inspite of opportunities given to him, it is not open for the petitioner to contend that either the enquiry has not been conducted in a proper manner or that the enquiry officer has not appreciated the materials in proper perspective while rendering his finding. Further, it is also evident that no extraneous considerations have influenced either the enquiry officer or the disciplinary authority. Such being the case, there being no lacunae or discrepancy, as pointed out by the Hon'ble Supreme Court, in the conduct of the departmental proceedings, this Court, in exercise of its powers under Article 226 is not inclined to reappreciate the evidence as if sitting in appeal over the appellate decision.

18. On a holistic consideration of the materials available on record, this Court is of the considered opinion that the findings recorded in the enquiry are just and reasonable and this Court, under the guise of judicial review, cannot conduct a roving expedition as if the matter is in appeal before this Court. The petitioner having not produced any material to substantiate his case and not participating in the enquiry and fully being aware that enquiry proceedings against him are under way, the finding recorded by the enquiry officer, as accepted by the authorities below to fasten the guilt on the petitioner does not require any interference.

19. Insofar as the punishment awarded to the petitioner is concerned for the delinquency, it has been the consistent view of the Courts that, it is always within the domain of the Appointing Authority to decide on the punishment to be imposed on the delinquent, which should be proportionate to the act of the delinquent. Only when the punishment is disproportionate and shocking the conscience, the Courts interfere with the same, in exercise of powers under Article 226 of the Constitution of India. In **Prem Nath Bali - Vs - High Court of Delhi** reported in **(2015 (16) SCC 415)**, the Hon'ble Supreme Court has held as under :



"20. It is a settled principle of law that once the charges levelled against the delinquent employee are proved then it is for the appointing authority to decide as to what punishment should be imposed on the delinquent employee as per the Rules. The appointing authority, keeping in view the nature and gravity of the charges, findings of the inquiry officer, entire service record of the delinquent employee and all relevant factors relating to the delinquent, exercised its discretion and then imposed the punishment as provided in the Rules.

21. Once such discretion is exercised by the appointing authority in inflicting the punishment (whether minor or major) then the courts are slow to interfere in the quantum of punishment and only in rare and appropriate case substitutes the punishment. Such power is exercised when the court finds that the delinquent employee is able to prove that the punishment inflicted on him is wholly unreasonable, arbitrary and disproportionate to the gravity of the proved charges thereby shocking the conscience of the court or when it is found to be in contravention of the Rules. The Court may, in such cases, remit the case to the appointing authority for imposing any other punishment as against what was originally awarded to the delinquent employee by the appointing authority as per the Rules or may substitute the punishment by itself instead of remitting to the appointing authority."

(Emphasis Supplied)

20. In the case on hand, a careful perusal of the entire records relating to the enquiry as also the order passed by the disciplinary authority, as confirmed by the other authorities, it clearly transpires that the disciplinary authority has applied his mind to the enquiry report and all the other materials while imposing the punishment of termination and on revision, the revisional authority has appreciated the materials independently and concurred with the view of the disciplinary authority. On an overall consideration of the materials, this Court is in consensus with the order passed by the disciplinary authority as confirmed by the appellate and revisional authorities and the punishment imposed on the petitioner is just and reasonable considering the nature of delinquency and no sympathy can flow from this Court for such an act. Therefore, the punishment imposed on the petitioner is in no way shocking the conscience of this Court or disproportionate to the delinquency and, therefore, this Court is not inclined to interfere with the same.



21. For the reasons aforesaid, this Writ Petition sans merit and, accordingly, the same is dismissed. Consequently, connected Miscellaneous Petitions are also dismissed. There shall be no order as to costs.

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Sd/-

Assistant Registrar

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/ /2021

Sub Assistant Registrar(CS)

SSL

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 Secretary to Government,
State of Tamil Nadu,
Co-operation, Food and Consumer Protection Department,
St.George Fort, Chennai-600 009.

2.The Joint Registrar of Co-operative Societies,
Tirunelveli Region,
Tirunelveli.

3.The Administrator,
Vallioor Co-op. Agricultural and Rural
Development Bank Ltd., D.R.L.(E)11,
Panagudi-627 109,
Tirunelveli District.

+1 CC to M/s.GP (SR-60[F] dated 05/01/2021)

+1 CC to M/s.K.K.RAMAKRISHNAN, Advocate (SR-35[F] dated 05/01/2021)

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04.01.2021

(CK) CO

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