



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.622 of 2021 and
W.M.P. (MD)No.534 of 2021

K.Raja

... Petitioner

Vs.

1. The Deputy Registrar of Cooperative Societies,
O/o. Deputy Registrar of Cooperative Societies,
K.T.M.Kasim Centre, II Floor,
Ramanathapuram District.

2. The Enquiry Officer/Cooperative Sub Registrar,
Field Officer,
R.R.1487, Ramanathapuram District Revenue
Employees Cooperative Credit Society,
Ramanathapuram,
Ramanathapuram District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the impugned 81 enquiry order passed by the second respondent pertaining to its order bearing No.Nil, dated 30.09.2020 quash the same.

For Petitioner : Mr.M.Subash Babu

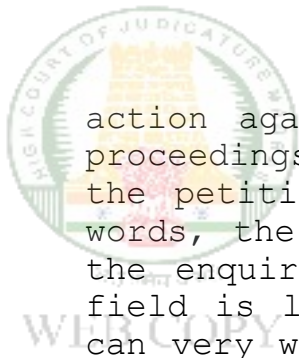
For Respondents : Mr.P.Mahendran,
Additional Government Pleader.

O R D E R

Heard the learned counsel on either side.

2. The petitioner was the Secretary of the second respondent society. Proceedings under Section 81 of Tamil Nadu Cooperative Societies Act were initiated against him. The report under Section 81 of the Act went against the petitioner and it was recommended that Surcharge proceedings under Section 87 of Tamil Nadu Cooperative Societies Act should be initiated against the petitioner. This report is put to challenge in this writ petition.

3. I am of the view that the report under Section 81 of the Act as such is not amenable to challenge. It only furnishes basic
<https://hcmvcs.courts.gov.in/hcmvcs/> concerned authority to decide on the next course of



action against the delinquent employee. As and when the surcharge proceedings are initiated against the petitioner, the charge against the petitioner will have to be independently established. In other words, the petitioner cannot be condemned solely on the strength of the enquiry report under Section 81 of the Act. To reiterate, the field is left open and all the other contentions of the petitioner can very well be canvassed in any subsequent proceeding that may be initiated based on the impugned report.

4. With this clarification, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (AE)

// True Copy //

/ /2021
Sub Assistant Registrar(CS-)

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 Cooperative Societies,
O/o. Deputy Registrar of Cooperative Societies,
K.T.M.Kasim Centre, II Floor,
Ramanathapuram District.
2. The Enquiry Officer/Cooperative Sub Registrar,
Field Officer,
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Employees Cooperative Credit Society,
Ramanathapuram,
Ramanathapuram District.

+1 CC to M/s.M.SUBASH BABU, Advocate (SR-1935[F] dated 22/01/2021)
+1 CC to SPECIAL GOVERNMENT PLEADER (SR-1855[F] dated 22/01/2021)

PMU

TE : 05/02/2021 : 2P/5C

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