



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.3563 of 2021

and

W.M.P (MD) Nos.2889 and 2891 of 2021

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S.Sheela Devi,
Sales Women,
Pullampadi West Fair Price Shop,
TY.SPL92, Pullampadi Primary Agricultural
Co-operative Credit Society,
Pullampadi Post, Lalgudi Taluk,
Thiruchirappalli District.

...Petitioner

Vs.

- 1.The Joint Registrar of Co-operative Societies,
Thiruchirappalli Region,
O/o. Joint Registrar of Co-operative Societies,
Thiruchirappalli District.
- 2.The Deputy Registrar of Co-operative Societies,
(Public Distribution System),
Thiruchirappalli,
Thiruchirappalli District.
- 3.The Co-operative Sub Registrar,
Public Distribution System,
Pullampadi Post,
Thiruchirappalli District.
- 4.The President,
TY.SPL92, Pullampadi Primary Agricultural
Co-operative Credit Society,
Pullampadi Post, Lalgudi Taluk,
Thiruchirappalli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the impugned proceedings passed by the second respondent herein vide Na.Ka.1026/2017 Po.Vi.Thi.1(2) dated

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



30.11.2020 and consequential proceedings namely Charge Memo issued by the fourth respondent herein vide NIL dated 01.2021 and quash the same as illegal.

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For Petitioner : Mr.B.Brijesh Kishore

For R-1 to R-3 : Mr.P.Mahendran
Additional Government Pleader

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3.

2.The scope of interference to a charge memo, under Article 226 of the Constitution of India is very limited to certain exceptions alone.In the instant case, the ground raised by the petitioner challenging the charge memo will not fall under any of the exception, since the petitioner has raised the ground touching upon the facts of the issue involved under the charge memo. Nevertheless, the charge memo seeks for an explanation to be given by the petitioner within a period of 15 days, which the petitioner has also complied with through his representation dated 04.02.2021. In the representation, the petitioner has sought for supply of certain documents in order to substantiate his case by way of reply.

3.It is pertinent to point out that earlier the second respondent herein had instructed the fourth respondent through his proceedings dated 30.11.2020 to seek for recovery of certain loss that had occurred to the Society/fourth respondent and also to initiate departmental action. The fourth respondent herein had chosen to initiate departmental proceedings by framing charges and calling for petitioner's explanation. After having given the objections, the present writ petition has been filed.

4.This Court is of the view that since no grounds have been raised in order to interfere with the charge memo, the ends of justice could be secured, if the fourth respondent is directed to consider the petitioner's representation and thereby take further course of action.

5.In the light of the above discussions, no interference is required to the prayer sought for by the petitioner to quash the charge memo dated 05.02.2021. However, the fourth respondent herein shall consider the petitioner's objections dated 04.02.2021 and 11.02.2021, on its own merits and take further course of action, in accordance with law, as expeditiously as possible.



6. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl Side)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

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 Joint Registrar of Co-operative Societies,
Thiruchirappalli Region,
O/o. Joint Registrar of Co-operative Societies,
Thiruchirappalli District.
2. The Deputy Registrar of co-operative Societies,
(Public Distribution System),
Thiruchirappalli,
Thiruchirappalli District.
3. The Co-operative Sub Registrar,
Public Distribution System,
Pullampadi Post,
Thiruchirappalli District.

+1 CC to M/s.B.BRIJESH KISHORE, Advocate (SR-6884[F] dated 24/02/2021)

+1 CC to M/s.SPL GP (SR-6987[F] dated 24/02/2021)

W.P. (MD) No.3563 of 2021

23.02.2021

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KK(17.03.2021) 3P 6C