



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P (MD) No.10243 of 2021

and

W.M.P (MD) No.7935 of 2021

WEB COPY

A.Shanmugam

... Petitioner

vs.

1. The Registrar of Co-operative Societies,
Office of the Co-operative Societies,
170, EVR Salai, Kilpauk,
Chennai - 600 010.

2. The Joint Registrar/Managing Director,
Tiruchirappalli District Central Co-operative Bank,
No.1, Fort Station Road,
Tiruchirappalli - 620 002,
Tiruchirappalli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the second respondent to furnish the documents related to the charge-memo vide in No.70/05/C3, dated 10.05.2021 and enquiry conducted under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, dated 01.07.2019, by considering the representation of the petitioner, dated 02.06.2021 and to conduct the enquiry as per the circular issued by the first respondent in No.31/2014, R.C.11016/09/WPA 2, dated 02.12.2014.

For Petitioner : Mr.S.Karthikeyan

For R - 1 : Mr.P.Subbaraj
Government Advocate

For R - 2 : Mr.D.Shanmugaraja Sethupathi

ORDER

The petitioner has filed the present Writ Petition, to direct the second respondent to furnish the documents related to the charge-memo, dated 10.05.2021 and enquiry conducted under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, dated 01.07.2019, by considering his representation, dated 02.06.2021 and to conduct the enquiry, as per the circular issued by the first respondent, dated 02.12.2014.



2. According to the petitioner, while he was working as a Field Officer in Varadharajapuram Agricultural Credit Society, which is under the control of the second respondent, between 06.04.2014 and 13.02.2018, the employees have misappropriated the amounts, while sanctioning various types of loans of 33 self-help groups consisting nearly 218 persons. Therefore, an enquiry, under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, was ordered on 22.10.2018. The petitioner was summoned to appear before the enquiry officer. He appeared before the enquiry officer and sought for certain documents. Without furnishing the documents, the enquiry officer submitted his report under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, on 01.07.2019. The second respondent, on 10.03.2020, issued a memo and called for an explanation. The petitioner requested the second respondent to furnish the documents and copy of the enquiry report. The second respondent, on 29.10.2020, directed the petitioner to get the relevant documents from the authority and give explanation. The petitioner requested the Deputy Registrar of Co-operative Societies, Musiri, to furnish the relevant documents along with the enquiry report. Without furnishing the documents, the second respondent issued a charge-memo, dated 10.05.2021, alleging that while he was working as a Supervisor of Musiri Circle, there was a financial loss in sanctioning loans during the period between 01.06.2013 and 13.12.2018 and the petitioner failed to scrutinize the loan documents. The petitioner sought for documents to submit his explanation to the second respondent. In spite of the repeated requests, the second respondent has not furnished the same. Hence, the petitioner has come out with the present Writ Petition.

3. In the Writ Petition, the petitioner has filed additional typed set of papers, dated 24.06.2021, listing out 92 documents to be furnished to him by the second respondent and an affidavit, dated 30.06.2021.

4. The learned counsel appearing for the petitioner submitted that the petitioner has no objection to receive the copies of the documents furnished by the second respondent and if it is not possible, a direction to the second respondent to permit the petitioner to peruse the documents relied on by the second respondent before the enquiry officer, may be issued.

5. Mr. D. Shanmugaraja Sethupathi, learned counsel appearing for the second respondent submitted that the petitioner has filed the present Writ Petition only to drag on the disciplinary proceedings. Due to misconduct by the petitioner and others, huge loss has been caused to the second respondent Bank and further submitted that most of the documents sought for by the petitioner have no relevance to the charges levelled against the petitioner and the second respondent is ready to furnish the copy of the enquiry report under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, and



other documents which would have been relied on by the second respondent during the domestic enquiry.

6. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the first respondent and the learned counsel appearing for the second respondent.

7. The petitioner has come out with the present Writ Petition seeking 92 documents, so as to enable him to submit the explanation and participate in the domestic enquiry effectively. On the other hand, it is the case of the second respondent that most of the documents sought for by the petitioner have no relevance to discharge the charges levelled against the petitioner and it is with the Primary Society and not with the second respondent.

8. Considering the submissions made by the learned counsel appearing on either side, it is suffice to direct the second respondent to furnish the copies of the documents relied on by the second respondent before the enquiry officer. If it is not possible to furnish the copies, the second respondent is directed to permit the petitioner to peruse the documents relied on by the second respondent and take notes. The above direction has to be complied with within a period of two weeks from the date of receipt of a copy of this order. The petitioner is directed to co-operate in the domestic enquiry.

9. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

Ps

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 Registrar of Co-operative Societies,
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170, EVR Salai, Kilpauk,
Chennai - 600 010.

2. The Joint Registrar/Managing Director,
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Tiruchirappalli - 620 002,
Tiruchirappalli District.

+1 CC to M/s.D.SHANMUGARAJASETHUPATHI, Advocate (SR-21356[F] dated 06/07/2021)

+1 CC to M/s.SPL GP (SR-21325[F] dated 06/07/2021)

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RC (20.07.2021) 4P-5C