



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.10495 of 2021

and WMP(MD)Nos.8167, 8168 and 16634 of 2021

WEB COPY

Manickam

... Petitioner

versus

1. The Deputy Registrar of Co-operative Societies,
Office of the Co-operative Societies Ltd.,
Kamatchiamman Kovil Street,
Aranthangi Taluk - 614 616,
Pudukkottai District.

2. The President,
T 1510, Ulagalanthanvayal Primary
Agricultural Co-operative Credit Society,
Puduvakottai Village & Post,
Aranthangi Taluk - 614 616,
Pudukkottai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned memo proceedings dated 10.06.2021 issued by the second respondent and quash the same and consequently, direct the respondents to revoke the suspension order and reinstate the petitioner with all attendant benefits, direct the respondents to conduct fresh enquiry by some other Enquiry Officer and direct the second respondent to pay the remaining 13 months Subsistence Allowance.

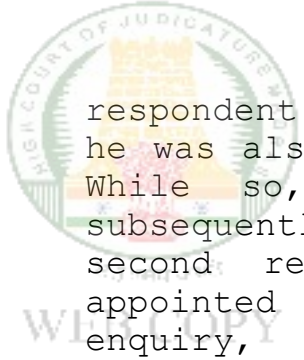
For Petitioner	:	Mr.S.Karthikeyan
For R1	:	Mr.V.Nirmal Kumar
		Government Advocate
For R2	:	Mr.K.Balasundaram

ORDER

This writ petition is filed as against the notice, dated 10.06.2021, in and by which, the second respondent issued a second show-cause notice, calling for explanation from the petitioner on the enquiry report submitted by the Enquiry Officer.

2. The petitioner joined as Writer in the second respondent Society on 01.05.1988, which is under the control of the first

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



respondent and he was promoted as Senior Clerk on 01.04.1998 and he was also given additional charge of Secretary from 06.10.2008. While so, the petitioner was placed under suspension and subsequently, a charge memo dated 09.10.2019 was issued by the second respondent. The second respondent, on 09.04.2021, appointed an Enquiry Officer. After the completion of the enquiry, the Enquiry Officer submitted his report dated 22.05.2021 and based on the enquiry report, the impugned notice has been issued, calling for his explanation on the enquiry report. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner claims that despite his request, the petitioner has not been furnished with documents, which were required for submitting his reply and without furnishing the same, the impugned notice has been issued. He further submits that the impugned notice is the second show cause notice issued based on the enquiry report. The impugned notice itself revealed that the enquiry report dated 22.05.2021 has been furnished to the petitioner and the petitioner has also accepted the same. However, the petitioner wants some more documents for submitting his reply to the said notice.

4. If the petitioner wants to rely on some documents for submitting his reply to the impugned notice, he ought to have made a request at the time of enquiry and he cannot raise such plea at this stage. Pursuant to the conclusion of the enquiry, this Court is not inclined to entertain the writ petition.

5. Accordingly, the writ petition is dismissed with liberty to the petitioner to submit his reply, if any, within a period of two weeks from the date of receipt of a copy of this order, failing which, the second respondent shall proceed further and based on the available materials, pass final order, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

Ogy



To

1. The Deputy Registrar of Co-operative Societies,
Office of the Co-operative Societies Ltd.,
Kamatchiamman Kovil Street,
Aranthangi Taluk - 614 616,
Pudukkottai District.

2. The President,
T 1510, Ulagalanthanvayal Primary
Agricultural Co-operative Credit Society,
Puduvakottai Village & Post,
Aranthangi Taluk - 614 616,
Pudukkottai District.

+1 CC to M/s.SPL GP (SR-34761[F] dated 17/11/2021)

W.P(MD)No.10495 of 2021
16.11.2021

RK(16/12/2021) 3P 4C