



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 15.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P(MD)No.19128 of 2020

and WMP(MD).No. 15997 & 15998 of 2020

C.Dharmalingam

... Petitioner

Vs

1.The Deputy Registrar of Co-Operative Societies,
Trichy Circle,
Trichy - 20.

2.The President,
R-514, Thuvarankurichi Primary
Agricultural Co-Operative Credit Society,
Thuvarankurichi, Trichy District.

3.P.Senthil Kumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the second respondent vide his proceedings No.Nil, dated 23.11.2020 and quash the same as illegal and consequently direct the respondents to reinstate the petitioner into service with incidental benefits.

For Petitioner : No Appearance

For Respondents : Mr.J.Ashok
Additional Government Pleader for RR1&2
No Appearance for R3

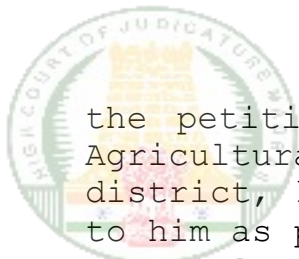
ORDER

This writ petition is filed as against the proceedings of the President R-514, Thuvarankurichi Primary Agricultural Co-Operative Credit Society, Thuvarankurichi, Trichy District. By the order impugned in this writ petition, the petitioner's request for reconsidering the order of suspension, has been rejected on the ground that the petitioner is facing serious charges.

2.When this writ petition was taken up for hearing on 13.12.2021, there was no representation for the petitioner, therefore, the matter was directed to be posted under the caption 'for dismissal' today and accordingly, the matter is listed today under the caption 'for dismissal'. Even today, when the matter is taken up for hearing, there is no representation for the petitioner.

3.The case of the petitioner as stated in the affidavit is that

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



the petitioner, the then Secretary of the Thuvarankurichi Primary Agricultural Co-Operative Credit Society, Thuvarankurichi, Trichy district, has been placed under suspension on 23.07.2019. According to him as per the law laid down by the Hon'ble Supreme Court in **Ajay Kumar Choudhary Vs Union of India** reported in **(2015) 7 SCC 291**, the suspension order should not continue after a period of three months. Therefore, the petitioner submitted a representation to the respondents for reconsidering the order of suspension. Subsequently, the petitioner filed a writ petition before this Court in W.P(MD) No.13533 of 2020 and the same was disposed of by this Court on 12.10.2010 with a direction to the respondents to consider request of the petitioner and to pass orders. But, the respondents have extended the order of suspension. Therefore, the petitioner is before this Court.

4.The learned Additional Government Pleader appearing for the respondents submitted that the petitioner, then Secretary of R-514, Thuvarankurichi Primary Agricultural Co-Operative Credit Society, Thuvarankurichi, Trichy district had indulged in serious irregularities and misappropriated the Society's amount to the tune of Rs.25,79,400/- and therefore, enquiry was initiated under Section 81 of the Tamil Nadu Co-Operative Societies Act, 1983 in the year 2019 and charge memo was also issued to this petitioner on 24.02.2021 with the followings charges:

"1.the petitioner has caused a deficit of Rs.7,68,737/- in the cash balance of the Society on 10.09.2021 along with one S.Goplakrishnan, Junior Clerk / Cashier (In charge) .

2. The petitioner has issued bogus jewel loans without obtaining jewels and has fabricated the records to the effect that the same has been remitted with in interest by fraudulently utilising the bogus records. In this occurrence the petitioner has caused a heavy financial loss to the tune of Rs.98,93,041/- to the above said S.Gopala Krishnan.

3. The petitioner has misappropriated the loan amounts issued to the Women Self Help Groups in 9 occurrences to the tune of Rs.25,75,400/- along with the above said S.Gopalakrishnan. In this occurrence one R.Ramalakshmi of Sri Bathrakaliyamman Women Self Help Group, Venkatanayakkanpatty, who is the relative of above said S.Gopalakrishnan has been sanctioned a loan of Rs.3 Lakh fraudulently.

4.The petitioner has misappropriated 3 number of SHG TABSEDCO loans thereby causing financial loss to the tune of Rs.0,60,000/- to the Society. In this



occurrence also one G.Tamilarasi, who is none other than the wife of above said S.Gopalakrishnan has been sanction loan."

5.The suspension order has been passed in the year 2019 and subsequent to the orders of this Court in W.P(MD)No.13533 of 2020, the order of suspension has been extended, which is challenged in this writ petition. The learned Additional Government Pleader further submits that the enquiry is also pending and a criminal is also registered against the petitioner.

6.Considering the submission made on behalf of the respondents that this petitioner the then Secretary has indulged in serious irregularities and based on the same, enquiry under Section 81 of the Tamil Nadu Co-Operative Societies Act has been contemplated and enquiry officer has also been appointed, the writ petition is disposed of with a direction to the respondents to conclude the enquiry within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

dsk

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 Co-Operative Societies,
Trichy Circle,Trichy - 20.
- 2.The President,
R-514, Thuvankurichi Primary
Agricultural Co-Operative Credit Society,
Thuvankurichi, Trichy District.

+1 CC to M/s.SPL GP (SR-39063[F] dated 16/12/2021)

W.P(MD)No.19128 of 2020
15.12.2021

SE(CO)

<https://hcservices.ecourts.gov.in/hcservices> 3P 4C