



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.15781 of 2018 and
W.M.P. (MD)Nos.14134 & 14135 of 2018

G.Lal Bahadur Murugan

... Petitioner

Vs.

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

2. The Cooperative Sub Registrar/Superintendent-1,
Tamil Nadu Cooperative Societies Sub Registrar Office,
Under Section 81 Enquiry Officer,
K.T.N.Kasim Centre, II Floor,
Salai Street, Ramanathapuram District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned 81 enquiry order passed by the second respondent pertaining to its order bearing No.Nil, dated 23.10.2017 and quash the same and consequently directing the second respondent to conduct fresh enquiry after furnishing the photo copy of the relevant documents and permit the petitioner to inspect the account books and other documents as per this Court interim order dated 23.10.2017 in W.P.No.18905 of 2017.

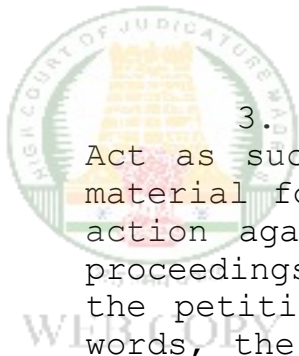
For Petitioner : Mr.M.Subash Babu

For Respondents : Mr.J.Gunaseelan Muthiah,
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 set aside and the petitioner is permitted to inspect the account books and other documents as per this Court interim order dated 23.10.2017 in W.P.No.18905 of 2017.



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 material for the 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 petitions are closed.

Sd/-
Assistant Registrar (AE)

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/ /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 Cooperative Sub Registrar/Superintendent-1,
Tamil Nadu Cooperative Societies Sub Registrar Office,
Under Section 81 Enquiry Officer,
K.T.N.Kasim Centre, II Floor,
Salai Street, Ramanathapuram District.

+1 CC to Mr.J.GUNASEELAN MUTHIAH, Advocate (SR-1786[F] dated 22/01/2021)

+1 CC to M/s.M.SUBASH BABU, Advocate (SR-1937[F] dated 22/01/2021)

PMU

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

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