



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.25443 of 2018

M.Anbalagan

...Petitioner

Vs.

1.The Secretary to the Government,
Food and Co-operation,
Fort St.George,
Chennai-600 009.

2.The Registrar of Co-operative Societies,
Office of the Registrar of Co-operative Societies,
N.V.N.Malligai,
Kilpauk, Chennai-600 010.

3.The Regional Joint Registrar of Co-operative Societies,
Multistoried Building,
Kajamalai,
Trichy-20.

4.The Deputy Registrar of Co-operative Societies,
College Road,
Vadugapatti, Musiri Taluk,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the respondents resulting in the fourth respondent's Charge memo dated 18.03.2015 issued in Na.Ka.No.868/2014/Sa.Pa and Consequential communication of the third respondent dated 09.11.2018 in Na.Ka.No.2831/2017/A.Pa.A and quash the same and direction directing the respondents 1 to 3 to disburse all the retirement benefits, back wages, attendant benefits and to treat the period of suspension from 23.05.2014 to till the date of retirement as on duty and thereafter, pay all arrears, increments and all other payments which are legally entitled to the petitioner within the time stipulated by this Court.

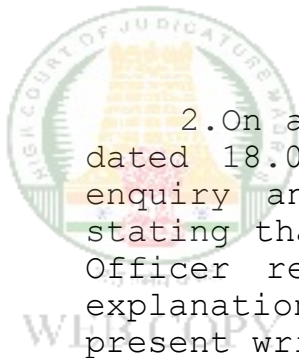
For Petitioner : Mr.V.R.Venkatesan

For Respondents : Mr.P.Mahendran
Additional Government Pleader

O R D E R

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

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



2. On a set of charges levelled through the impugned charge memo dated 18.03.2015, the petitioner was subjected to a departmental enquiry and the Enquiry Officer had also rendered his findings stating that the charges have been proved. Pursuant to the Enquiry Officer report, the petitioner herein claims to have given his explanation and that at this stage, the petitioner has filed the present writ petition challenging the charge memo.

3. The learned counsel for the petitioner would rely upon an earlier departmental proceedings against him for his involvement in a criminal case and submit that the charges levelled against the petitioner was quashed. Apparently, the departmental proceedings to which the petitioner made a reference is when the petitioner was holding Additional Charge as a Special Officer for Thulaiyanatham Primary Agricultural Co-operative Credit Society, whereas, the present charge is when the petitioner was holding additional charge as a Special Officer in Oorankarai Mahadevi Primary Agricultural Co-operative Credit Society. Therefore, the closure of the earlier departmental proceedings cannot, by any chance, absolve the petitioner from the present charges, which charges relate to misappropriation.

4. The learned counsel would also submit that there is an inordinate delay from the inception of the charges till consideration of this explanation. On the other hand, the learned Additional Public Prosecutor for the respondents relied upon the counter affidavit and submitted that the pursuant to the findings of the Enquiry Officer, as well as the show cause notice issued, the petitioner has not given his further explanation.

5. In view of this contradictory statement made by the petitioner as well as the respondents, it would be appropriate to give an opportunity to the petitioner to render his further explanation once again and thereafter, direct the respondents to conclude the departmental proceedings, within a time limit. It is reiterated that taking into account of the seriousness of the charges, the delay alone cannot be sufficient to quash the charge memo particularly, when the petitioner had subjected himself to the enquiry proceedings and the Enquiry Officer has also found that the charges has been proved.

6. In the light of the above observations, the petitioner is called upon to submit his further explanation to the show cause notice dated 22.08.2016, at least within a period of 15 days from the date receipt of a copy of this order. On receipt of such explanation, the third respondent herein shall conclude the departmental proceedings, in accordance with law, after following the principles of natural justice. Such a procedure shall be made at least within a period of four weeks, from the date of receipt of the further explanation or expiry of the fifteen days for filing further explanation, whichever is earlier.



7. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

WEB COPY

// 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:

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+1 CC to SPL GP (SR-5890[F] dated 18/02/2021)

+1 CC to Mr. V. R. VENKATESAN, Advocate (SR-5809[F] dated 18/02/2021)

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VB (16.03.2021) 3P 7C