



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.02.2021**

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P(MD) .No.9824 of 2016

and

W.M.P. (MD) .No.7764 of 2016

C.Kaliappan

.. Petitioner

Vs.

1.The Registrar of Co-operative Societies,
N.V.Natarajan Maaligai,
170, Periyar EVR High Road Kilpauk,
Chennai.

2.The Joint Registrar of Co-opoerative Societies,
Dindigul Region,
Dindigul.

3.The Deputy Registrar of Co-operative Societies,
Dharapuram Circle,
Dharapuram.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the impugned proceedings of the second respondent in RC.741/2016/EM dated 26.05.2016 and quash the same.

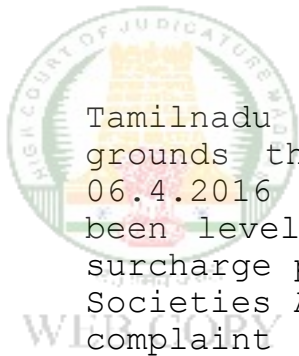
For Petitioner : Mr.AL.Kannan

For Respondents : Mr.C.Ramar
Additional Government Pleader

ORDER

This writ petition has been filed against the proceedings of the second respondent dated 26.05.2016.

2. The case of the petitioner is that while the petitioner was working as Cooperative Sub Registrar (PDS), Thoppampatti, Dindigul District and he was due to retire on 31.05.2016 on superannuation. At the relevant point of time, the petitioner was placed under suspension from service on 26.05.2016, at the verge of his retirement, by the second respondent under Section 17(e) of the



Tamilnadu Civil Services (Discipline and Appeal) Rules, on three grounds that a criminal case is pending, the charge memo dated 06.4.2016 issued by the third respondent wherein six charges have been levelled against the petitioner is pending and there is a surcharge proceedings under Section 87 of the Tamilnadu Co-operative Societies Act, 1983 is also pending. As on date there is no criminal complaint and there is no disciplinary proceedings pending against the petitioner and during enquiry, the guilt was admitted by the then Secretary and he has made good the loss sustained by the Society. Therefore, there is no monetary loss to the society. Moreover, without even considering the fact that since the petitioner was holding additional charge for 15 posts during the relevant period, it is impossible for him to have a supervision of all the societies daily, the second respondent issued the charge memo and did not take any steps to conclude the disciplinary proceedings. Aggrieved by the same, the petitioner approached this Court with the above said prayer.

3. The learned counsel for the petitioner would submit that during the pendency of the writ petition, the entire amount of surcharge proceedings has been paid by the then Secretary and the disciplinary proceedings is not concluded till date. He would further submit that though many grounds available for attacking the charge memo, the petitioner confine his prayer for a direction to the respondents to conclude the disciplinary proceedings within a reasonable time as fixed by this court.

4. The leaned Additional Government Pleader appearing for the respondents has no serious objections to consider the limited request made by the petitioner.

5. Considering the limited request made by the petitioner, and without going to the merits of the case, this Court is inclined to issue a direction to the respondents to conclude the disciplinary proceedings within a stipulated time. Accordingly, the respondents 2 and 3 are directed to conclude the charge memo dated 06.04.2016 as well as the disciplinary proceedings dated 26.05.2016 pending against the petitioner, on merits and in accordance with law, within a period of six(6) weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition stands disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /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

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Chennai.
- 2.The Joint Registrar of Co-opoerative Societies,
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- 3.The Deputy Registrar of Co-operative Societies,
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VB (12.03.2021) 3P 4C