



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.5915 of 2015

N.Palanimalai

... Petitioner

Vs.

1.The Joint Registrar of Co-operative Societies,
Villupuram Region, Villupuram,
Villupuram District.

2.The President,
I.I.646, Jambai PrimaryAgricultural
Co-op. Credit Society, Jambai & Post,
Tirukoilur Taluk,
Villupuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.5016/2014/Sa.Pa., dated 28.11.2014 and quash the same and consequently directing the respondents to reinstate the petitioner into service in the second respondent society as Assistant Secretary with all attendant benefits, backwages and other monetary benefits.

For Petitioner : M/s.N.Kavitha Rameshwar

For Respondents: Mr.T.Chezhiyan,
Additional Government Pleader

ORDER

Though the petitioner herein, had raised several grounds challenging the inquiry proceedings, one of the predominant ground raised is that the charge memo was not accompanied by the



list of documents which the Inquiry Officer intended to rely upon and inspite of the petitioner making a request for supply of these documents, the same was not complied with.

2. It is needless to point out that when a delinquent seeks for supply of copies of documents on which the charges is sought to be established, he would be entitled to receive the same for the purpose of rendering an effective reply to the charge. In the absence of the same, all the consequential inquiry proceedings, would stand vitiated.

3. A perusal of the inquiry report also reveals that the Inquiry Officer had placed reliance on various documents which admittedly has not been served in advance to the petitioner. While that being so, the consequential punishment imposed on the proven charges, cannot be sustained.

4. In this background, it would be appropriate that the matter be remitted back to the respondents herein, for the purpose of conducting a fresh inquiry. In view of this decision to remit the matter back, this Court is consciously refraining from answering any of the other grounds raised by the petitioner since the same may have a bearing on the proceedings to be conducted.

5. In the light of the above findings, the impugned order dated 28.11.2014 passed by the first respondent in his proceedings in Na.Ka.5016/2014/Sa.Pa., is quashed and the matter is remitted back to the second respondent herein, for the purpose of conducting a fresh inquiry. The second respondent is at liberty to appoint a fresh Inquiry Officer, if need be. The documents on which the Inquiry Officer intends to rely upon in the inquiry in connection with the charge memo dated 23.10.2013, shall be supplied in advance to the petitioner and he must be extended an opportunity to give his reply to the charge memo, based on the documents supplied. The second respondent shall supply all the documents which are sought to be relied upon in the inquiry proceedings to the petitioner herein, within a period of four (4) weeks from the date of receipt of a copy of this order. During the course of inquiry, the petitioner should be given due opportunity to cross-examine any of the witnesses produced in the inquiry. The Inquiry Officer shall complete the inquiry proceedings atleast within a period of three (3) months from the date of supply of the documents to the petitioner.



6. With the above directions, this Writ Petition stands
ordered accordingly. No costs.

WEB COPY

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

Sni
To

1.The Joint Registrar of Co-operative Societies,
Villupuram Region, Villupuram,
Villupuram District.

2.The President,
I.I.646, Jambai PrimaryAgricultural
Coop. Credit Society, jambai & Post,
Tirukoliur Taluk,
Villupuram District.

+1cc to M/S.N.Kavitha Rameshwar, Advocate Sr.27385
+1cc to the Government Pleader Sr.28174

W.P.No.5915 of 2015

pm[co]
srg 09/05/2022