



W.P.No.33277 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.33277 of 2016

and

W.M.P.Nos.28750 & 28751 of 2016

B.Maximus

...Petitioner

Vs.

- 1.State of Tamil Nadu,
Represented by
Secretary to Government,
Cooperation Department,
Secretariat, Chennai – 9.
- 2.Registrar of Co-operative Societies,
Chennai – 10.
- 3.Joint Registrar of Co-operative Societies,
Kancheepuram.
- 4.Joint Registrar of Co-operative Societies,
Tiruvallur.
- 5.Deputy Registrar of Co-operative Societies,
Kancheepuram.
- 6.Deputy Registrar of Co-operative Societies (Housing)
Chengalpat, Kanchipuram District.

..Respondents



W.P.No.33277 of 2016

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining the charge Memo passed by the 5th respondent, now pending before 3rd respondent in Charge Memo in Na.Ka.No.1004/95/Tha.Sa. Dated 29.08.1997 and quash the same and direct the respondents to allow the petitioner to retire from service and settle all the Terminal benefits, such as Pension, Gratuity and other benefits to the petitioner with interest.

For Petitioner : Mr.P.Ganesan
For M/s.C.S.Associates

For Respondents : Mr.R.P.Murugan Raja
Government Advocate

ORDER

The charge memo dated 29.08.1997 is sought to be quashed in the present writ petition.

2. The petitioner was working as Co-operative Sub-Registrar and on the eve of his retirement, the impugned charge memo was issued on 29.08.1997. The Petitioner was due to retire from service on 30.11.1997 and he was not allowed to retire from service. A Criminal Case was also registered against the writ petitioner in Crime No.3 of 2004. The said case



W.P.No.33277 of 2016

ended with an order of conviction of 2 years imprisonment and the petitioner preferred Criminal Appeal Nos.21 and 22 of 2005 and the appeals were allowed and an order of conviction was set aside by the Principal District Judge, Fast Track Court – IV, Poonamallee in the year 2005.

3. The learned counsel for the petitioner states that in respect of the charge memorandums, this Court has elaborately considered and quashed those charges in W.P.No.34197 of 2016 dated 12.04.2022.

4. The Court considered the enormous delay in disposing of the departmental disciplinary proceedings and the petitioner was due to retire from service in November 1997 and for the past about 25 years, the proceedings are pending without any valid reason. The Criminal Case ended with an order of acquittal. The other departmental disciplinary proceedings were also quashed against the writ petitioner. Now, the petitioner is aged about 82 years and still, the departmental disciplinary proceedings are kept pending without any progress. There is no valid reason for the purpose of keeping this proceedings pending for an indefinite period as 25 years have



W.P.No.33277 of 2016

already lapsed from the date of his retirement.

WEB COPY

5. The learned Government Advocate appearing on behalf of the respondents made a submission that there is no sufficient materials on record to proceed with the departmental disciplinary proceedings, since the other charges were dropped against the writ petitioner. In the absence of materials on record, there is no purpose in keeping the charge memo pending for an indefinite period.

6. In the present case, it is already pending for the past about 25 years and this being the factum, it is a fit case to consider, since the respondents are unable to proceed with the departmental disciplinary proceedings for want of records.

7. This being the factum, the impugned charge Memo passed by the 5th respondent, now pending before 3rd respondent in Charge Memo in Na.Ka.No.1004/95/Tha.Sa. dated 29.08.1997 is quashed and the respondents are directed to issue consequential orders within a period of twelve weeks



W.P.No.33277 of 2016

from the date of receipt of a copy of this order.

WEB COPY

8. With this direction, the writ petition stands allowed. No costs.

Consequently, connected miscellaneous petitions are closed.

10.11.2022

Index : Yes

Speaking order: Yes

kak

To

1. The Secretary to Government,
Cooperation Department,
Secretariat, Chennai – 9.
2. Registrar of Co-operative Societies,
Chennai – 10.
3. Joint Registrar of Co-operative Societies,
Kancheepuram.
4. Joint Registrar of Co-operative Societies,
Tiruvallur.
5. Deputy Registrar of Co-operative Societies,
Kancheepuram.
6. Deputy Registrar of Co-operative Societies (Housing)
Chengalpat, Kanchipuram District.

5/6



WEB COPY



W.P.No.33277 of 2016

S.M.SUBRAMANIAM, J.

kak

W.P.No.33277 of 2016

10.11.2022