



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.6.2022

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THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.15095 of 2022
and W.M.P.No.14307 of 2022

1.C.Mathivanan ...Petitioner

Vs.

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

2.The Enquiry Officer/Managing Director,
T917, Myladuthurai Consumer
Cooperative Wholesale Stores,
Myladuthurai.

...Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari, calling for the records of the charge memo issued by the 1st respondent in Na.Ka.No.659/2015A-1 dated 30.10.2015 quash the same.

For Petitioner : Mr.M.S.Palanisamy

For Respondent No.1 : Mr.E.Veda Bagath Singh

For Respondent No.2 : Mrs.N.Senthil Selvi, G.A.

O R D E R

According to the petitioner, petitioner while working as Cooperative Sub Registrar/Field officer, Sirkali circle posted as Special Officer, Additional charge of 10 Primary Agricultural Co-operative Credit Societies including ZB 96 Nemili Primary Agricultural Co-operative Credit Society Ltd. During his tenure as Special Officer - additional charge of the said society from 14.3.2012 to 8.7.2012, it was alleged that jewel loan Nos.320 to 323 and 338 totally Rs.2,96,400/- have been remitted by the borrowers and the jewels were returned to them but the amount was not brought into the cash chitta and thereby misappropriated society's money. The writ petitioner was permitted to retire from service on 31.7.2012. Charge memo dated 30.10.2015 under Rule 9(2) (b) (i) of the Tamilnadu Pension Rule 1988 read with Rule 17(b) of the Tamilnadu Civil Service (Discipline & Appeal) Rules served to



the petitioner only on 29.10.2021. The petitioner was permitted to retire from service on 31.7.2012. Thereafter, after more than 9 years, the charge memo served to the petitioner. The petitioner appeared before the enquiry officer on 30.10.2021 and submitted detailed explanation on 20.1.2021 wherein the petitioner denied the charges. According to the petitioner, without verification of the back files, the enquiry officer submitted a report. Pursuant to the enquiry report, a show cause notice was served to the petitioner on 26.4.2022 calling for explanation from the petitioner. So far the petitioner has not submitted any explanation to the show cause notice served to the petitioner. The petitioner has filed the instant writ petition challenging the charge memo dated 30.10.2015.

2. The learned counsel appearing for the respondent on instruction would submit that charges were framed against the petitioner and sent to the petitioner through registered post. However, the same was returned with an endorsement "'door locked'" and thereafter, charge memo served to the petitioner on 4.8.2017 by affixing the same in the petitioner's house in the presence of Village Administrative officer. Thereafter, the petitioner submitted explanation for the said charges framed under Rule 9(2) (b) (i) of the Tamilnadu Pension Rule 1988 read with Rule 17(b) of the Tamilnadu Civil Service (Discipline & Appeal) Rules. The petitioner appeared before the enquiry officer on 30.10.2021. Enquiry officer furnished documents as requested by the petitioner. Further, due to illness, admitted in the hospital, he submitted his explanation dated 20.1.2021 through post stating that the petitioner due to illness, he is taking treatment and required to go for medical check up, statement given by the petitioner on 20.1.2022 be recorded as defence statement of the petitioner, for the enquiry to be held on 4.2.2022. The enquiry officer submitted a report to the Joint Registrar, the first respondent herein on 12.4.2022 and the said report has been served to the petitioner along with notice to submit his explanation to the enquiry officer's report within 30 days. The petitioner has filed the present writ petition before this Court to quash the charge memo served on the petitioner on the ground that the said charge memo has been served after the lapse of 9 years from the date of retirement.

3. If any grievance against the enquiry report submitted by the enquiry officer, it is for the petitioner to raise the same in the explanation to the show cause notice issued by the respondent. In the light of the facts and circumstances of the case and considering the request made by the petitioner, this Court is inclined to grant four weeks time to submit his explanation to the first respondent. It is open to the petitioner to raise all the grounds including limitation raised in the writ petition before the first respondent. On receipt of such explanation, the first respondent shall consider the same and pass appropriate orders



on merit and in accordance with law as expeditiously as possible preferably within a period of six weeks from the date of receipt of such explanation.

4. The writ petition is dismissed with the above observations. No Costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

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

2.The Enquiry Officer/Managing Director,
T917, Myladuthurai Consumer Cooperative Wholesale Stores,
Myladuthurai.

+1cc to Mr.M.S.Palanisamy, Advocate SR. No. 36668

+1cc to Government Pleader SR. No. 37617

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and W.M.P.No.14307 of 2022

BR (CO)

PR (08/07/2022)