



WEB COPY

W.P.No.42136 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.42136 of 2016
and
W.M.P.Nos.36054 & 36055 of 2016

P.Kanakaraju

...Petitioner

Vs.

1. The Secretary to Government cum
Commissioner for Agricultural Production Department,
Fort St. George, Secretariat,
Chennai-600 009.
 2. The Registrar of Agro Engineering Services,
O/o. Commissioner of Agriculture,
Chepauk, Chennai-600 005.
 3. The Deputy Registrar of Agro Engineering Services,
O/o. Commissioner of Agriculture,
Chepauk, Chennai-600 005.
- ...Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorari, calling for the entire records relating to the impugned G.O. issued by the 1st respondent in G.O.Ms.No.266, Agricultural (Vae.Po.2) Department, dated 12.09.2016 and quash the same.



For Petitioner : Mr.C.Prakasam
For Respondents : E.Sundaram
Government Advocate

ORDER

The writ on hand has been instituted challenging the Government order issued in G.O.Ms.No.266, Agricultural Department, dated 12.09.2016.

2. The petitioner was working as District Manager in Erode District, Tamil Nadu, Agro-Engineering and Service Co-operative Federation limited. A surcharge proceeding was initiated against the petitioner along with the other officials, under Section 87 of the Tamil Nadu Cooperative Societies Act. The surcharge proceeding was initiated based on the statutory enquiry report submitted under Section 81 of the Cooperative Societies Act. In view of the fact that there was a delay in concluding the surcharge proceedings, the competent authorities sought for extension of time before the Government and the Government issued the impugned G.O.Ms.No.266, Agricultural Department dated 12.09.2016, extending the period for six months for proceeding with the surcharge proceedings under Section 87 of the Tamil Nadu Cooperative Societies Act.



3. The extension of six months period, granted in the impugned order had already expired. Thus, the cause does not exist. That apart, the time limit fixed under the provisions of the Tamil Nadu Cooperative Societies Act, for completion of the enquiry or surcharge proceedings are only directory and not mandatory, and the principles in this regard are settled by the Division Bench of this Court and also by the Apex Court of India.

4. In view of the fact that certain enquiry proceedings cannot be concluded within a time stipulated on account of the voluminous documents or huge irregularities, the Courts have held that the non completion of enquiry or proceedings within a stipulated time cannot be a ground to quash the entire proceedings. That exactly is the reason why the Courts have held that such time limits, contemplated under the provisions of the Tamil Nadu Cooperative Societies Act, are directory and cannot be mandatory. The very purpose and object of the proceedings is to ensure that the irregularities and illegalities in the Cooperative Societies are dealt with in accordance with law and no person involved in such illegalities shall be allowed to escape from the clutches of the proceedings.



5. In the present case on account of the pendency of the writ petition, the delay occurred, and the period extended by the Government also expired.

Thus, the respondents shall proceed with the surcharge proceeding and conclude the same as expeditiously as possible, without causing any further delay.

6. With these directions, the writ petition stands **disposed of**. No costs. Consequently, connected miscellaneous petitions are closed.

19.10.2022

Index : Yes
Speaking order
sha



To

WEB COPY

1. The Secretary to Government cum
Commissioner for Agricultural Production Department,
Fort St. George, Secretariat,
Chennai-600 009.
2. The Registrar of Agro Engineering Services,
O/o. Commissioner of Agriculture,
Chepauk, Chennai-600 005.
3. The Deputy Registrar of Agro Engineering Services,
O/o. Commissioner of Agriculture,
Chepauk, Chennai-600 005.



WEB COPY

W.P.No.42136 of 2



S.M.SUBRAMANIAM, J.

sha

W.P.No.42136 of 2016

19.10.2022