



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.30539 of 2014
and
M.P.No.1 of 2015

S.Rajendran

...Petitioner

Vs.

1. The Deputy Commissioner of Labour,
Appellate Authority under Tamil Nadu Shops
and Establishments Act, 1947,
Tiruchirapalli, Trichy District.

2. The President/Special Officer,
Z 262, Marudur North Primary Agricultural
Co-operative Society Limited,
Marudur North, Rajapuram Post,
Vedaranyam Taluk,
Nagapatinam District - 614 806.

...Respondents

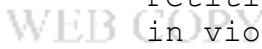
Prayer:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified mandamus, calling for the records of the first respondent in TNSE (A) 5/2012 dated 12.05.2014 and the order of dismissal from service passed by the 2nd respondent in his proceedings dated 24.08.2012 and quash the same and consequently direct the respondents to reinstate the petitioner in service with full backwages, continuity of service and all consequential and other attendant benefits.

For Petitioner : Mr.K.Raja

For Respondents: R1 - Court
Mr.V.R.Thangavel [for R2]

ORDER

Based on certain charges of misappropriation of the funds of the second respondent/Society, the petitioner herein had rendered his explanation on 10.07.2012 to the levelled charges. However,the petitioner was dismissed from service on 24.08.2012. The challenge made to the dismissal order before the first



2. Among the various grounds raised in the present Writ Petition, the predominant ground is that the dismissal order is in violation of the principles of natural justice.

4. The learned counsel for the second respondent submitted that the charges against the petitioner are very serious in nature, which has caused a huge loss to the Society and since the shortcomings and misappropriation has been upheld in the inquiry under Section 81 of the Tamil Nadu Cooperative Societies Act, 1983 (hereinafter called as 'the Act') and also the petitioner has returned the loss that was caused to the Society, no inquiry need to be conducted.

6. Admittedly, in the instant case, no inquiry was conducted. However, the impugned order seems to have been passed on the strength of the inquiry report under Section 81 of the Act. Such a procedure is in violation of the provisions of the Tamil Nadu Co-operative Societies Act. Merely because the report under Section 81 of the Act implicates the petitioner or that the petitioner had remitted back the alleged loss amount, it cannot be presumed that the punishment of dismissal is automatic.

<https://hcservices.ecourts.gov.in/hcservices/>



8. In the light of the above findings, the impugned orders dated 24.08.2012 and 12.05.2014, are quashed and the matter is remitted back to the second respondent for the purpose of conducting an inquiry. The second respondent herein, shall be at liberty to appoint a fresh Inquiry Officer and extend all due opportunities to the petitioner herein, based on the charge memo dated 16.05.2012. The second respondent herein, shall endeavour to complete such an inquiry as expeditiously as possible, in any event within a period of six (6) months from the date of commencement of such an inquiry.

9. With the above directions, this Writ Petition stands ordered. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

Sni

To

1. The Deputy Commissioner of Labour,
Appellate Authority under Tamil Nadu Shops
and Establishments Act, 1947,
Tiruchirapalli, Trichy District.
2. The President / Special Officer,
Z 262, Marudur North Primary Agricultural
Co-operative Society Limited,
Marudur North, Rajapuram Post,
Vedaranyam Taluk,
Nagapattinam District - 614 806.

+1cc to Mr.K.Raja, Advocate, S.R.No.28238
+1cc to Mr.V.R.Thangavelu, Advocate, S.R.No.28346
+1cc to the Government Pleader, S.R.No.28887

W.P.No.30539 of 2014

PA(CO)
RGA(25/05/2022)