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W.P.No.2898 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.2898 of 2017
and
W.M.P.No.2811 of 2017

G.Gopalasamy

...Petitioner

Vs.

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

2.The President,
T-1197, Neduvakkottai Primary Agricultural
Co-operative Credit Society,
Naduvakkottai, Mannarkudi Taluk,
Thiruvarur District – 614 014.

3.The Inspector of Police,
Mannargudi Town Police Station,
Thiruvarur District.

(R3 suo motu impleaded vide order dated
27.10.2022 made in W.P.No.2898/2017)

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to
issue a Writ of Certiorari, calling for the records of the 1st respondent in



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pursuant to the impugned order dated 21.12.2016 in his proceedings bearing Na.Ka.6498/ 2015/ Sa.Pa., dismissing the appeal filed by the petitioner, confirming the order of the 2nd respondent dated 18.08.2015 and quash the same.

For Petitioner	: Mr.G.Ilamurugu
For R1	: Mr.R.P.Murugan Raja Government Advocate
For R2	: Mr.V.Kamaraj For Mr.L.P.Shanmugasundaram
For R3	: Mr.Suganthan Government Advocate (Crl.Side)

ORDER

The order of suspension dated 18.08.2015 and the revisional order, confirming the order of suspension under Section 153 of the Tamil Nadu Co-operative Societies Act are under challenge in the present writ petition.

2. The petitioner was holding the post of Secretary in the Second respondent / Neduvakkottai Primary Agricultural Co-operative Credit Society, which is a society registered under the provisions of the Tamil Nadu



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Co-operative Societies Act. On initiation of departmental disciplinary proceedings, the petitioner was placed under suspension in order dated 18.08.2015 by the second respondent Management. The departmental disciplinary proceedings were initiated with reference to several irregularities and the writ petitioner preferred a Revision Petition before the first respondent under Section 153 of the Tamil Nadu Co-operative Societies Act, which was also rejected. Thus, the petitioner is constrained to move the present writ petition.

3. It is not in dispute that the petitioner had already reached the age of Superannuation. The learned counsel for the petitioner states that the retired employees of the Co-operative Societies cannot be placed under suspension as it is a non-pensionable service.

4. The learned counsel for the second respondent brought to the notice of this Court that the writ petitioner has taken away the entire files kept in the society, since he was holding the post of Secretary and in the absence of relevant files, the Management is not in a position to continue the



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departmental disciplinary proceedings. In this regard, a police complaint was registered and thereafter, the Society was not in a position to trace out the files and the writ petitioner also was not handed over the files nor informed regarding the whereabouts of the files.

5. The learned counsel for the second respondent made a submission that no action was taken by the police in respect of the complaint given by the society and the officials of the Co-operative Department .

6. In this regard, this Court has *suo motu* impleaded the Inspector of Police, Mannargudi Town Police Station, Thiruvarur District as 3rd respondent in the present writ petition to find out the present status of the F.I.R registered and accordingly, the learned Government Advocate (Criminal Side) appeared and brought to the notice of this Court that the Criminal Case registered against the writ petitioner was proceeded with. Charge sheet was filed and after full-fledged trial, the petitioner was convicted by the I Additional District and Sessions Judge (P.C.R), Thanjavur in vide judgment dated 19.12.2017 in S.S.C.No.106/2016.



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7. Even the conviction of the writ petitioner was not known to the second respondent Management and in this regard, the Registrar of Co-operative Societies is bound to initiate appropriate action against the Management of the second respondent Society, the Deputy Registrar and other officials by conducting an enquiry regarding the entire facts and circumstances.

8. Now, the fact remains that the writ petitioner was convicted by the competent Criminal Court of law. Therefore, the respondents have to pass appropriate orders by following the procedures and in accordance with the provisions of the Act and Rules and the Special By-laws of the second respondent Society.

9. Regarding the impugned order of suspension is concerned, no further consideration is required.



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10. The learned counsel for the 2nd respondent brought to the notice of this Court that the petitioner had suppressed the facts regarding the conviction in the Criminal Case. Even the fact regarding the registration of the Criminal Case has not been brought to the notice of this Court in the present writ petition.

11. For all these reasons, the writ petition deserves no merit consideration and consequently, the writ petition stands dismissed. No costs. Connected miscellaneous petition is closed.

04.11.2022

Index : Yes
Speaking order: Yes
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To

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

2. The President,
T-1197, Neduvakkottai Primary Agricultural

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S.M.SUBRAMANIAM, J.

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