



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED:06.04.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

**W.P. (MD)No.1800 of 2021**

**and**

**WMP (MD)No.1535 of 2021**

WEB COPY

M.Krishnamoorthi

... Petitioner

Vs.

1. The Regional Joint Registrar of Cooperatives Societies,  
Integrated Multi Cooperative Buildings,  
Annavaasal Road,  
Near District Collectorate,  
Pudukkottai-622 002.

2. The Deputy Registrar of Cooperatives Societies,  
Integrated Multi Cooperative Buildings,  
Annavaasal Road,  
Near District Collectorate,  
Pudukkottai-622 002

3. The Sub Registrar of Cooperatives Societies/  
Administrator,  
No.7, Keeranoor Primary Agricultural Cooperative  
Credit Society,  
Keeranoor Post, Kulathur Taluk,  
Pudukkottai-622 002.

4. The President,  
No.7, Keeranoor Primary Agricultural  
Cooperative Credit Society,  
Keeranoor Post, Kulathur Taluk,  
Pudukkottai-622 002.

... Respondents

**PRAYER:** Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to calling for the records relating to the impugned charge memo dated 30.4.2019 and consequential impugned proceedings in No.2/2019 dated 31.7.2019 issued by the 3rd respondent and quash the same and consequently direct the respondents to allow the petitioner to retire and to settle all the retirement benefits to the petitioner within a time frame as fixed by this Hon'ble Court.

For Petitioner

: Mr.S.Karthikeyan

For R1 to R3

: Mr.M.Ramesh

Government Advocate

For R4

: Tapal Due



**ORDER**

The impugned charge memo issued by the administrator of the Keeranoor Primary Agricultural Co-operative Credit Society, is under challenge in the present writ petition.

2.The petitioner joined as a salesman in the Co-operative Society and thereafter, promoted to the post of clerk and subsequently, worked as Secretary (Tamil Nadu) from 15.02.1996. The petitioner attained the age of superannuation and retired from service. The charge memo has been issued based on the statutory enquiry conducted under Section 81 of the Tamil Nadu Co-operative Societies Act. The charges against the writ petitioner are relatable to certain financial irregularities. Therefore, the petitioner has to face the charges by defending his case. Contrarily, the High Court cannot conduct an enquiry in respect of the factual dispute between the parties.

3.Further the Co-operative Societies is not a State within the meaning of Article 21 of the Constitution of India, as it is not funded by the Government. Therefore, if at all charge memo is to be challenged on acceptable grounds, it is to be challenged by way of revision under Section 153 of the Tamil Nadu Co-operative Societies Act and the charge *per se* would not provide a cause for filing writ petition. The writ against the charge memo needs to be entertained, if it is tainted with malafide or issued by incompetent authorities, but not otherwise. Therefore, the writ petition cannot be entertained, as the charge memo has been issued by the Management of a Co-operative Society and the petitioner has to participate in the process of enquiry, in order to establish his innocence or otherwise through documents and evidences. The disciplinary authority must ensure as to whether departmental enquiry is initiated are concluded, as expeditiously as possible.

4.With these observations, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

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/ /2022

Sub Assistant Registrar(CS)

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To

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+1 CC to M/s.SPL.GP ( SR-17198[F] dated 07/04/2022 )

**W.P. (MD)No.1800 of 2021**

**&**  
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**06.04.2022**

MGJ(26.04.2022) 3P 5C