



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:28.02.2022

CORAM:

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

W.P. (MD)No.3692 of 2022

S.M.Krishnaveni

... Petitioner

Vs.

1.The Managing Director,
0.838, Ambasamudram Agricultural Producers
Cooperative Marketing Society,
No.206, Puthu Graman Street,
Ambasamudram-627 401,
Tirunelveli District.

2. The Deputy Registrar of Cooperative Societies,
Cheranmahadevi Circle,
Railway Feeder Road,
Cheranmahadevi, Tirunelveli District.

3. The Deputy Registrar of Cooperative Societies,
Public Distribution System,
O/o. the Joint Registrar of Cooperative Societies,
No.1, Megnana Street, Convent Road,
Tirunelveli-627 002.

4. The Joint Registrar of Cooperative Societies,
Tirunelveli Region,
Megnana Street, Convent Road,
Palayamkottai, Tirunelveli-627 002

... Respondents

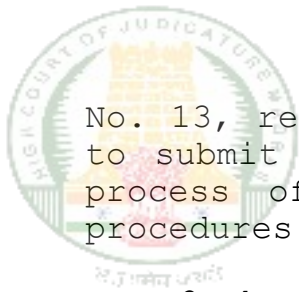
PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to provide the basic documents relating to the charges numbering 13, requested by the petitioner in her letter dated 17.11.2021, to submit her explanation and further order for completion of the process of disciplinary action strictly in accordance with the procedures laid down without deviating from the principles of natural justice, within the time frame fixed by this Hon'ble Court.

For Petitioner : Mr.P.Saravana Kumar

For Respondents : Mr.P.Thilak Kumar
Government Pleader,
assisted for Mr.M.Ramesh,
Government Advocate

ORDER

The relief sought for in the present writ petition is to direct the respondents to provide basic documents relating to the charges



No. 13, requested by the petitioner in her letter dated 17.11.2021, to submit her explanation and further order for completion of the process of disciplinary action strictly in accordance with the procedures.

2.The petitioner admittedly is working as saleswoman in Ambasamudram Agricultural Producers Co-operative Marketing Society Limited, which was registered under the Tamil Nadu Co-operative Societies Act, 1983.

3.The grievance of the writ petitioner is that departmental disciplinary proceedings were initiated against her and an enquiry officer was appointed, however, the petitioner is not provided with necessary documents relied on by the respondents to submit her explanation.

4.For submitting an explanation, the petitioner need not seek the documents, as of such relevant documents with reference to the charge memorandum are to be furnished to the delinquent officials only at the time of conduct an enquiry or such employee may be permitted to peruse the documents for the purpose of defending her case. Contrarily, even at the time of such issuance of charge memo, the documents cannot be sought for the delinquent employee. Therefore, the petitioner is at liberty to submit her explanation only at the time of conducting an enquiry and the petitioner may be provided with relevant documents relied on by the respondents for the purpose of conducting an enquiry.

5.However, no writ will lie against the Co-operative Society. In view of the fact that the petitioner is an employee of Co-operative Society, which is not State within the meaning of Article 12 of the Constitution of India and the writ petition is not maintainable.

6.However, the grievance of the writ petitioner is clarified to the extend that she is entitled to get the documents only at the time of enquiry.

7.With the above clarifications, this Writ Petition is disposed of. No costs.

Sd/-

Deputy Registrar (LA&MC)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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



To

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Megnana Street, Convent Road,
Palayamkottai, Tirunelveli-627 002

+1 CC to M/s.SPL GP (SR-9192[F] dated 01/03/2022)

+1 CC to M/s.P.KALAIYARASI BHARATHI, Advocate (SR-9343[F] dated
01/03/2022)

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RD(16.03.2022) 3P 7C