

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5606 of 2021

and

W.M.P.(MD)Nos.4441 & 4442 of 2021

S.Veluchamy

... Petitioner

Vs.

1.The Registrar,
Tamil Nadu Co-operative Societies,
No.170, N.V.N.Maaligai,
Periyar E.V.R.High Road,
Kilpauk,
Chennai-600 010.

2.The Joint Registrar / Managing Director,
Tirunelveli District Central Co-operative Bank Ltd.,
Vannarpettai,
Tirunelveli-627 003.

3.The Special Officer,
Tirunelveli District Central Co-operative Bank Ltd.,
Vannarapettai,
Tiurnelveli-627 003.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the suspension order passed by the 3rd respondent in Rc. 70/2003/E5(1), dated 04.03.2003, charge memo issued by the 3rd respondent in

Na.Ka.70/2003/E5 dated 23.03.2004, retention order passed by the 3rd respondent in Na.Ka.296/2004 E5 dated 26.02.2005 served on the petitioner on 02.03.2005 and the charge memo issued by the 3rd respondent in Na.Ka. 319/2004/A5, dated 26.02.2005, quash the same as illegal, and consequently directing the respondents to pay all the pensionary and retirement benefits to the petitioner within a time frame as fixed by this Court.

For Petitioner : M/s.P.Kalaiyarasi Bharathi

For R1 & R2 : Mr.M.Senthil Ayyanar
Government Advocate

For R3 : Mr.D.Shanmugarajasethupathi

ORDER

Heard the learned counsel on either side.

2. The petitioner questions the charge memo issued to him. His primary contention is that the subject matter was already enquired into and the report was also submitted holding that the petitioner is not guilty.

3. The learned counsel appearing for the petitioner contends that there cannot be a second enquiry on the same charge memo.

4. The learned counsel appearing for the second respondent pointed out that the enquiry report was never served on the writ petitioner and that

therefore, it cannot be relied upon. The enquiry officer has also sent a communication stating that out of 40 witnesses, only 14 witnesses have been examined and that enquiry is yet to be concluded.

5. This being the stand of the second respondent, the petitioner cannot place any reliance on the enquiry report enclosed in the typed set of papers. Particularly, there is no material to show that it was formally communicated to him.

6. In this view of the matter, I decline to interfere. At the same time, it is to be noted that the petitioner is a senior citizen aged about 80 years. Cause of action is more than twenty years old. All his fellow employees have been exonerated and terminal benefits have also been settled. It is stated that criminal prosecution initiated against the petitioner ended in acquittal.

7. In these circumstances, interest of justice requires that the issue is given quietus at the earliest. I therefore direct the second respondent to conclude enquiry initiated against the petitioner and also pass final order within a period of eight weeks from the date of receipt of a copy of this order. Subject

to the outcome of the disciplinary proceedings, terminal benefits payable to the petitioner will also be settled within a period of four weeks thereafter. In any event, the entire process must be completed within a period of three months from today.

8. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

22.09.2022

Index : Yes / No

Internet : Yes/ No

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NOTE:Issue Order Copy on 23.09.2022

To

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2.The Joint Registrar / Managing Director,
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G.R.SWAMINATHAN, J.

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