



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.11657 of 2019

and

W.M.P. (MD)Nos.8870 and 17547 of 2019

WEB COPY

T.M.Murugan

... Petitioner

-Vs-

1.The Joint Registrar of Co-operative Societies,
Dindigul Region,
O/F Joint Registrar of Co-operative Societies,
Velunachiar Complex (Collectorate Complex),
Dindigul.

2.The President,
Disciplinary Action Committee,
(The Joint Registrar of Co-operative Societies,)
O/F Joint Registrar of Co-operative Societies,
Velunachiar Complex (Collectorate Complex),
Dindigul.

3.DD 555, Kottapatti Primary Agricultural
Co-operative Credit Society,
At Kamatchipuram, Kottapatti Post,
Dindigul-624 002, through its President

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records culminating in the order dated 29.04.2019 passed by the third respondent, quash the same.

For Petitioner	: Mr.T.Ravichandran
For R1 and R2	: Mr.M.Ramesh, Government Advocate.
For R3	: Mr.R.Senthil Kumar

ORDER

The order of punishment issued by the third respondent / President of Co-operative Society is under challenge in the present Writ Petition.

2.The petitioner is working as Secretary of Kottapatti Primary Agricultural Co-operative Credit Society. On account of certain allegations, departmental disciplinary proceedings were initiated against the writ petitioner, charge memo was issued and domestic enquiry was conducted. Based on the enquiry proceedings, the third respondent / President of the Co-operative



Society has issued an order of punishment in proceedings dated 29.04.2019, reverting the writ petitioner from the post of Secretary to Clerk.

3.The learned counsel appearing on behalf of the writ petitioner mainly contended that the post of Secretary falls under the common cadre service as per the Government policy and therefore, the President of the Co-operative Society is not a competent person to issue the order of punishment against the Secretary.

4.The learned Government Advocate appearing on behalf of the respondents 1 and 2 also fairly made a submission that the post of Secretary is falling under the common cadre service and the Regional Joint Registrar is the disciplinary authority for the Secretary of the Co-operative Society.

5.In view of the fact that the order of punishment, which is impugned in the Writ Petition, was issued by an incompetent authority, who is the President of Co-operative Society, the order impugned is necessarily to be set aside. Accordingly, the impugned order of punishment passed by the third respondent in proceedings dated 29.04.2019 is quashed. The matter is remanded back to the first respondent / Joint Registrar of Co-operative Society for fresh consideration. The first respondent is directed to call for the entire files from the second respondent with reference to the disciplinary proceedings initiated against the writ petitioner, conduct an enquiry by following the procedures contemplated under the law and dispose of the disciplinary proceedings as expeditiously as possible.

6.The petitioner is at liberty to defend his case in the manner known to law. However, it is made clear that the petitioner should co-operate for the early disposal of the disciplinary proceedings and in the event of non co-operation on the part of the petitioner, the same is to be recorded in the proceedings itself and in such circumstances, the petitioner is not entitled to seek any relief on the ground of delay in disposing the disciplinary proceedings.

7.With this direction and observation, this Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

1.The Joint Registrar of Co-operative Societies,
Dindigul Region, O/F Joint Registrar of Co-operative Societies,
Velunachiar Complex (Collectorate Complex),
Dindigul.

2.The President,
Disciplinary Action Committee,
(The Joint Registrar of Co-operative Societies,)
O/F Joint Registrar of Co-operative Societies,
Velunachiar Complex (Collectorate Complex),
Dindigul.

+1 CC to M/s.R. SENTHIL KUMAR, Advocate (SR-19429[F] dated
19/04/2022)

+1 CC to M/s.SPL.GP. (SR-19747[F] dated 20/04/2022)

W.P. (MD) No.11657 of 2019

19.04.2022

(¹/₂)

RK(04/05/2022) 3P 5C