



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **19.01.2022**

CORAM :

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD).No.13708 of 2015

and

M.P(MD).No.1 of 2015

V.Palanisamy

... Petitioner

Vs.

1.The Joint Registrar of Co operative Societies,
Dindigul Region,
Dindigul.

2.The Special Officer,
A 1620 B Puthupatti Primary Agricultural Cooperative Society,
Padiyur (P.O), Vedasandur Taluk,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned orders passed by the first respondent in Na.Ka.No.7460/2012/SaPa dated 07.01.2015 in dismissing the revision petition preferred by the petitioner against the dismissal order of the second respondent in his order dated 15.09.2012 and confirming the dismissal order dated 15.09.2012 and quash the same as illegal and pass an order directing the respondents to reinstate the petitioner with back wages.

For Petitioner : Mr.A.Sarvagan Pabhu

For Respondents : Mr.J.K.Jayaselan
Government Advocate (Civil Side)

O R D E R

The petitioner joined the second respondent Society on 29.10.1998. He served the society over the last sixteen years. Thereafter, he was placed under suspension on 6.12.2003. On 25.01.2004, the second respondent issued charge memo. On 15.06.2004, the petitioner submitted a written request to the second respondent to consider his family situation and to revoke the order of suspension. He has also paid Rs.1,88,000/-. Thereafter, on 24.06.2004, the second respondent revoke the suspension order. The



second respondent again issued notice to the petitioner on 16.04.2005 demanding a sum of Rs.4,91,442/- which is the loss incurred by the Society by way of committing fraud by the petitioner. A demand notice-cum-show cause notice, dated 16.04.2005, a show cause notice was issued. The petitioner submitted an explanation on 15.06.2004. Again the petitioner was placed under suspension on 09.12.2004. A charge memo dated 21.02.2005 was issued alleging misappropriation on various dates. The petitioner has accepted the misappropriation in charge 4(1), 4(2), 4(3) and 4(4).

2. The contention of the petitioner is that the second respondent/Special Officer is not an appropriate authority to issue charge memo. As per G.O.Ms.No.55 Cooperation, Food and Consumer Protection Department dated 24.03.2000, an appropriate authority is the Cooperative Sub Registrar.

3. The respondents have filed counter stating the petitioner has misappropriation to the tune of Rs.5,64,556/-. The petitioner filed an appeal after a lapse of 4 ½ years. The petitioner is only responsible for the misappropriation, on the mere repayment of partial amount will not be the ground to pardon the petitioner.

4. Heard the learned counsel for both the sides and perused the materials on record.

5. On perusal the records it is seen the petitioner has accepted the misappropriation especially Charges 4(1), 4(2), 4(3) and 4(4). As rightly pointed out by the petitioner, the petitioner is entitled to leave salary EPF. Therefore, the respondents are directed to pay all the eligible statutory benefits to the petitioner within a period of six weeks from the date of receipt of a copy of this order. Any amount payable by the petitioner, the same shall be deducted.

6. With the above direction, the writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant



To

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Dindigul.

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Dindigul District.

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-1815[F] dated 20/01/2022)

+1 CC to M/s.SPL.GP (SR-2016[F] dated 21/01/2022)

W.P (MD) No.13708 of 2015
19.01.2022

RD/CK(10.02.2022) 3P 5C