



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 09.03.2022
CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY
W.P. (MD)No.3680 of 2016

and
W.M.P. (MD)No.3301 of 2016

U.Vijaya ... Petitioner
vs

1. The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar of Co-operative Societies,
Kumbakonam,
Tanjore District.
2. The President,
2-827, Ammapet Primary Agrl. Co-operative Credit Society,
Ammapet, Papanasam Taluk,
Tanjavur District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the second respondent herein by his proceedings in No.Nil dated 28.12.2015 and to quash the same as illegal.

For Petitioner : Mr.G.Kannan
For Respondents : Mrs.D.Farjana Ghoushia
Special Government Pleader.

O R D E R

This Writ Petition is filed challenging the order, dated 28.12.2015.

2. The petitioner was appointed as Assistant Secretary on 12.11.1993. Thereafter, from 03.03.1994, the petitioner is holding the post of Secretary as in-charge till 28.12.2015. On 05.08.2014, an enquiry was conducted, wherein it has been reported that the accounts were not properly maintained and no statutory action was taken. The petitioner was suspended on 21.05.2012 and the enquiry report was submitted on 10.11.2014. The first respondent directed the second respondent to take disciplinary action against the petitioner. Thereafter, a Charge Memo, dated 02.02.2015 was issued. The petitioner could not submit any explanation because no copies of any proceedings and reports were served to the petitioner. The petitioner has filed C.M.A.(CS)No.41 of 2015 and the same is pending.

3. The allegation against the petitioner is that there is a time barred loans to the tune of Rs.32,32,313/- (Rupees Thirty Two Lakh



Thirty Two Thousand Three Hundred and Thirteen only) and the petitioner has not taken any proper action. Since the amount is huge, the petitioner was awarded with the punishment of removal from service. While conducting an enquiry natural justice are granted, but the petitioner did not appear before the Enquiry Officer, hence the petitioner was not able to peruse the records and thereafter, the impugned order was passed.

4. Heard Mr.G.Kannan, learned Counsel appearing for the petitioner and Mrs.D.Farjana Ghoushia, learned Special Government Pleader appearing for the respondents.

5. It is seen that the petitioner has not attended the enquiry properly because the respondents have not granted any documents for perusing. The contention of the petitioner is that all the loans are availed by the parties are liable for waiver as per the Government Scheme. The pendency of the writ petition and the C.M.A., was not considered by the respondents. If the waiver is considered, then there will not be any loss at all. The loans to the tune of Rs.32,32,313/- (Rupees Thirty Two Lakh Thirty Two Thousand Three Hundred and Thirteen only) will not be there. Therefore, the petitioner prayed for remitting back to the authority for re-consideration of the entire issue.

6. Therefore, this Court without going into the merits of the issue, directing the respondents to consider the petitioner's claim that all the loans ought to be waived based on the Government Order. The respondents shall grant proper opportunity to the petitioner and adhere to the principles of natural justice. **(*)The impugned order is set aside.** The respondents are directed to conduct re-enquiry and pass a speaking order and the said exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

(*)Corrected as per the order of this court dated 31.03.2022

Sd/-

Assistant Registrar ()

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



jbr

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 concerned.

To

1. The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar of Co-operative Societies,
Kumbakonam,
Tanjor District.
2. The President,
2-827, Ammapet Primary Agrl. Co-operative Credit Society,
Ammapet, Papanasam Taluk,
Tanjavur District.

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SRR(CO)
KB(05.04.2022) 3P 3C