



W.P.No.1885 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.1885 of 2023

and

W.M.P.Nos.1989 & 1990 of 2023

S.Balamani

...

Petitioner

Vs.

- 1.The Joint Registrar of Cooperative Societies,
Tiruppur Region, 4th Floor, Collectorate,
Tiruppur, Tiruppur District.
- 2.The Deputy Registrar of Cooperative Societies,
Tiruppur Circle, Palladam Road,
Tiruppur, Tiruppur District.
- 3.The Deputy Registrar of Cooperative Societies, (PDS)
4th Floor, Collectorate Campus, Tiruppur,
Tiruppur District.
- 4.The President,
C.C.2350 Alathur Primary Agricultural
Cooperative Credit Society,
Alathur Village & Post – 641 655,
Avinashi Taluk, Tiruppur District.

5.A.A.Karuppasamy

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 4th respondent in his proceedings No. Nil, dated 10.10.2022 and quash the same and consequently directing the respondents to reinstate the petitioner into service as Sales Woman in the 4th respondent society along with backwages, attendant benefits and other monetary benefits to the petitioner.

For Petitioner : Mr.C.Prakasam
For Respondents : Mr.D.Ravichander
Special Government Pleader - for R1 to R3
Mr.L.P.Shanmugasundaram - for R4
Mrs.T.Girija - for R5

ORDER

This writ petition has been filed challenging the impugned proceedings of the fourth respondent dated 10.10.2022 and for a consequential direction to reinstate the petitioner into service as Sales Woman in the fourth respondent Society with all attendant benefits.

2.When the matter was taken up for admission on 24.01.2023, considering the nature of allegations made by the petitioner against the fourth respondent, this Court passed the following orders :

*“Mr.D.Ravichander, learned Special Government
Pleader, takes notice on behalf of the respondents 1 to 3.*



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2.This writ petition has been filed challenging the order of suspension mainly on the ground that the 4th respondent-President is acting against the petitioner with a malafide intention. The learned counsel for the petitioner fairly submitted that the petitioner is not hesitant to face the proceedings, but however, the 4th respondent should not be conducting the enquiry since he has an ill will against the petitioner. The learned Special Government Pleader shall take instructions in this regard and report before this Court as to whether the disciplinary proceedings can be conducted by any other Officer.

*3.Post this case in the motion list on **31.01.2023.** ”*

3.When the matter was taken up for hearing today, the third respondent has filed a counter affidavit and has explained about the nature of charges against the petitioner and the justification for continuing with the disciplinary proceedings against the petitioner.

4.The learned counsel appearing on behalf of the fourth respondent submitted that the allegations made by the petitioner are false and the fourth respondent does not have any personal vengeance against the petitioner and the fourth respondent is only acting as a disciplinary authority in this



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proceedings.

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6.The learned Additional Government Pleader appearing on behalf of the respondents 1 to 3 submitted that if this Court feels that an enquiry should be conducted by an authority holding higher position, he leaves it to this Court to pass appropriate orders and that the same will be complied with.

7.On carefully considering the submissions made on either side and without going into the merits of the case or rendering any finding on the allegations made by the petitioner as against the fourth respondent, this Court is inclined to strike a balance to ensure that a proper and neutral inquiry is conducted against the petitioner. In view of the same, there shall be a direction to the second respondent to conduct the enquiry after affording opportunity to the petitioner and the same shall be completed within a period of four weeks from the date of receipt of a copy of this order. Thereafter, the inquiry report shall be submitted before the fourth respondent and the fourth respondent



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shall act upon the same and proceed further in accordance with law.

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8.This Writ Petition is disposed of with the above directions. No costs.

Consequently, the connected miscellaneous petitions are closed.

09.02.2023

Index: Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case: Yes/No

sp

To

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N.ANAND VENKATESH, J

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