



W.P.No.1660 of 2015

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2023

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Writ Petition No.1660 of 2015

P.Rajaram
S/o V.Perumalraj

. . . Petitioner

Vs.

1.The Government of Tamilnadu
Rep.by its Principal Secretary to Government
Co-operation, Food and Consumer
Protection (CL1) Department
Fort St.George, Chennai – 600 009.

2.The Registrar of Co-operative Societies
No.170, N.V.N.Maligai
Kilpauk, Chennai – 10.

3.The Joint Registrar of Co-operative Societies
Dindigul Region, Dindugal.

. . . Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, to call for the records of the 1st respondent in G.O.(T).No.257 dated 03.11.2014, quash the same and direct the respondents to settle the petitioner retirement benefits with arrears in



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accordance with law.

For Petitioner : Mr.M.S.Palaniswamy
For Respondents : Mr.S.Ravichandran, AGP for RR1 to 3

ORDER

Challenging the order of the 1st respondent made in G.O.(T).No.257 dated 03.11.2014, the present Writ Petition has been filed, whereby the punishment of stoppage of increment for 6 months with cumulative effect imposed on the petitioner was confirmed.

2.The petitioner would state that he worked as Managing Director of Dindigul Agricultural Producers Co-operative Marketing Society between the period 01.05.2000 and 25.09.2000. Certain irregularities were found in the matter of issuing pledge loans to customers to the tune of Rs.2,48,000/-. Therefore, disciplinary proceedings were initiated against the petitioner, by issuing a Charge Memo. On receiving the Charge Memo, the petitioner submitted his explanation on 22.10.2003, denying his liability. After conducting an enquiry, the charges levelled against the petitioner were found proved and thereafter, the 3rd respondent passed an order dated 30.01.2014, imposing a penalty of stoppage of



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increment for a period of 6 six months with cumulative effect. Aggrieved against the said order, the petitioner preferred an appeal before the 2nd respondent, who also dismissed the same through his proceedings dated 29.06.2004. Further appeal filed by the petitioner before the 1st respondent was also rejected vide G.O.(D).No.57, Co-operative, Food and Consumer Protection Department (CLI) dated 01.03.2007. Challenging the said order, the petitioner has preferred a Writ Petition before this Court in W.P. (MD).No.8663 of 2007 and this Court by an order dated 06.11.2012 remitted the matter back to the 1st respondent and directed them to pass orders on the appeal filed by the petitioner on merits and in accordance with law. However, the 1st respondent without considering any of the grounds of appeal, rejected the same, by passing a cryptic order, without even assigning any reason. Therefore, challenging the order dated 03.11.2014 passed by the 1st respondent in G.O.(T).No.257, the petitioner has preferred the present Writ Petition.

3.The learned counsel for the petitioner would submit that the charge against the petitioner is not the case of misappropriation or bribe, whereas, it is



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the case of lack of supervision. The respondents failed to consider the fact that the entire transaction was conducted by the Cashier and the Godown keeper and only at the time of inspection by the higher officials, the petitioner had subscribed his signatures in few of the accounts books. Further, the entire loan amount was recovered from the borrowers on 19.07.2014 itself, and the same was intimated to the respondents 2 and 3 vide letter dated 07.08.2014. It is further stated that neither the disciplinary authority nor the appellate authority has considered the explanation of the petitioner and the appellate authority has merely dismissed the appeal preferred by the petitioner, without considering the grounds of appeal and without taking note of the fact that the entire loan amount has been repaid by the borrowers. Thus, he would pray for setting aside the impugned order.

4.The learned Additional Government Pleader appearing for the respondents would state that when the petitioner was working as Managing Director of Dindugal Agricultural Producers Co-operative Marketing Society, certain irregularities were found in the issuance of pledge loans to customers and due to which, the Co-operative Society has suffered with a loss of Rs.2,48,000/-



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and the petitioner failed to unearth the above irregularity which came to light in the enquiry report. Accordingly, the petitioner was issued with a charge memo under rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. After considering the petitioner's explanation along with relevant records, finding that the petitioner failed to supervise the accounts of the society during the relevant time, the 3rd respondent imposed the punishment of stoppage of increment for a period of 6 six months with cumulative effect. The appeal filed by the petitioner before the 1st respondent, against the above said punishment was also rightly rejected, after considering the view of the TNPSC, which has opined that the punishment is commensurate with the gravity of charges. Thus, he would pray that the interference of this Court is not necessary.

5. Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader for the respondents.

6. Learned counsel appearing for the petitioner, after taking me through the charges levelled against the petitioner, his explanation, report of the Enquiry



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Officer and order of the disciplinary authority imposing punishment, has submitted that the entire report of the Enquiry Officer has to be rejected since the same has not been supported by any evidence on the side of the management. He also submitted that if the report of the Enquiry Officer is eschewed, the order of punishment cannot be sustained. In a decision in *N.S.Jayaraman & Sons Vs. the Government of India*, reported in *2010 (2) CWC 485*, a learned Single Judge of this Court has held that reasoning is the heartbeat of every conclusion and without any reasoning, the conclusion becomes defunct and that the rationale behind is that the affected party can know why the decision has gone against him and that one of the salutary requirements of natural justice is spelling out reasons for the order made. But, in the case on hand, the 3rd respondent has imposed the punishment of stoppage of increment for six months with cumulative effect, without considering the explanations and assigning any valid reasons for such conclusion. Further, it is to be noted that the alleged pledge loan amount of Rs.2,48,000/- has already been paid by the borrowers and the same was duly conceded by the 3rd respondent vide his letter Na.Ka.No.763/2015/Pa.Tho dated 05.01.2013.



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7. In view of the above reasonings, the order passed by the 1st respondent in G.O.(T).No.257 dated 03.11.2014 is hereby quashed and the punishment of stoppage of increment for six months with cumulative effect is also quashed. Accordingly, the Writ Petition stands allowed.

8. It is submitted by the learned counsel for the petitioner that now the petitioner has attained the age of superannuation and he was retired from service. However, he was not paid with the retirement benefits. The 1st respondent is directed to disburse the retirement benefits and other consequential benefits to the petitioner within a period of 3 months from the date of receipt of a copy of this order. No costs.

24.01.2023

Index : Yes/No
Internet : Yes/No
Neutral citation: Yes/No
Speaking order/Non-speaking order
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