



WEB COPY



W.P.No.29832

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2023

CORAM:

THE HON'BLE MR. JUSTICE K.KUMARESH BABU

W.P.No.29832 of 2010
and M.P.No.1 of 2010

V.Lakshmi
Joint Registrar/General Manager,
Salem Integrated Co-operative Development Scheme,
Salem District Central Co-op Bank Campus,
Salem.

...Petitioner

Vs.

1.The Secretary to Government,
Food, Co-operative and Consumer Department,
Secretariat,
Chennai – 600 009.

2.The Registrar of Co-operative Societies,
E.V.R.Salai,
Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records of the impugned orders of the 1st respondent made in G.O.(D)No.351, Co-operation, Food and Consumer Protection (CE2) Department, dated 30.11.2009 confirming the order in G.O.(D) No.297, Co-operation, Food and Consumer Protection (CE2) Department, dated 12.08.2005 and quash the same.



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For Petitioner : Mr.J.Chandran

For Respondents : Mr.R.Neethi Perumal for R1 & R2
Government Advocate

ORDER

The Writ Petition has been filed challenging the order of punishment of stoppage of increment for a period of three years without cumulative effect.

2.The said order had been passed by the Government as early as on 12.08.2005. The petitioner seems to have made a representation to the Government and that the Government had rejected the request of the petitioner to review the order by G.O.(D)No.402 Co-operation, Food and Consumer Protection (CE2) Department, dated 06.11.2006. Again, the petitioner seems to have made a further representation to the Government which was rejected by G.O.(D)No.294 Co-operation, Food and Consumer Protection (CE2) Department, dated 27.08.2008. Once again, a representation had been made to the Government which was also rejected by G.O.(D)No.351 Co-operation, Food and Consumer Protection (CE2) Department, dated 30.11.2009 complaining that his case has not been considered in the proper perspective.



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3.It is to be seen that the Government Order of implementing a punishment of stoppage of increment for a period of three years without cumulative effect had been made by the Government in G.O.(D) No.297 dated 12.08.2005 and her review had also been rejected by the Government on 06.11.2006. But, however, the petitioner had been repeatedly approaching the Government which had been rejected by the Government as not maintainable, the petitioner had preferred this Writ Petition.

4.The order of punishment imposed on the petitioner had been made after a due process of enquiry on the charges that had been framed against the petitioner as early as in the year 2002. From a perusal of the Charge Memo as well as the Enquiry Report, I do not find any perversity or infirmity in the Enquiry Proceedings which had held that the charges 1 & 2 as framed against the petitioner had been held to be proved. The punishment that had been imposed on the petitioner is a punishment of stoppage of increment for a period of three years without cumulative effect.

5.In my considered view, the punishment that had been imposed for the charges that had been proved is not disproportionate for this Court to interfere with the same.



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6. In fine, the Writ Petition is dismissed. There shall be no order as to costs.

Consequently, the connected miscellaneous petition is closed.

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Index: Yes/No

Speaking Order/Non-Speaking Order

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To

1.The Secretary to Government,
Food, Co-operative and Consumer Department,
Secretariat,
Chennai – 600 009.

2.The Registrar of Co-operative Societies,
E.V.R.Salai,
Chennai.



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K.KUMARESH BABU, J.

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