



W.P.No.25974 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2023

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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R.Kolanchi

.. Petitioner

Versus

1. Secretary to Government,
Cooperation, Food and Consumer,
Protection Department,
Secretariat,
Chennai - 600 009.

2. Additional Registrar of
Cooperative Societies (MPD),
Kilpauk, Chennai - 600 019.

3. Joint Registrar / Chairman,
Common Cadre Authority
Cuddalore (Po) & (Dt).

4. Special Officer,
Paravalur Primary Agricultural
Cooperative Society Ltd.,
Paravalar (Po)
Vridhachalam (Tk).

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
pleased to issue a Writ of Certiorari calling for the records of the first



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respondent relating to the Government Order in G.O.(2D) No.60, Cooperation, Food and Consumer Protection Department, dated 14.09.2011 confirming the orders of the second respondent in No.Rc.75444/2009 Sa.Pa.1, dated 06.11.2009 and the third respondent in No.Rc.1198/2005 Nu., dated 26.06.2009 and quash all these orders and consequently, direct the respondents to reinstate the petitioner in service with back-wages and other attendant benefits.

For Petitioner : Mr.P.Anbarasan

For Respondents : Mr.M.Muthukumar,
Government Advocate,
for RR-1 to 3

: Mr.N.Kolandaivelu, for R4

ORDER

This Writ Petition is filed challenging the Government Order in G.O.(2D) No.60, Cooperation, Food and Consumer Protection Department, dated 14.09.2011, thereby, confirming the orders of the second respondent, dated 06.11.2009 and the third respondent, dated 26.06.2009 imposing punishment of termination from service.

2. The main ground of attack made by the learned Counsel for the petitioner is that pursuant to the charge memorandum, an enquiry was



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conducted, in which, an Enquiry Report was submitted to the Disciplinary Authority, in which, the Enquiry Officer found that the charges are not proved. Therefore, without any jurisdiction, the Disciplinary Authority ordered second enquiry and thereafter, obtained findings holding that the charges as proved out of the second enquiry and on the basis of such enquiry, in the second Enquiry Report, the punishment order is passed. The learned Counsel for the petitioner would submit that completely ignoring the first enquiry, the second enquiry cannot be conducted.

3. The counter-affidavit is filed by the fourth respondent, in which, it is categorically stated that when by the order, dated 11.11.2005, the second enquiry was ordered, aggrieved by the same, the petitioner has filed W.P.No.19520 of 2007, in which, initially, interim order was granted. However, the said Writ Petition came to be disposed of by order, dated 29.11.2007, in and by which, the Writ Petition was dismissed, however, with a liberty to the petitioner to file Revision Petition. Firstly, filing of the said Writ Petition against the second enquiry is a very material fact as far as the present Writ petition is concerned. The same is totally suppressed in the affidavit filed along with the Writ Petition. Secondly, as directed by this



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Court, no Revision Case has been filed by the petitioner and thereby, his challenge to the very second enquiry has been rendered futile.

4. In that view of the matter, for the reason of suppression of material facts, this Writ Petition is dismissed. No costs.

30.11.2023

Index : yes
Speaking order
Neutral Citation : no
grs

To

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D.BHARATHA CHAKRAVARTHY, J.

grs

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