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W.P.No.7136 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.7136 of 2011

R.Vasudevan

... Petitioner

Vs.

1.The Joint Registrar of Co-operative Societies,
Salem Region, Salem.

2.The Joint Registrar/ The Special Officer,
Salem District Central Co-operative Bank,
Salem-1.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the 1st Respondent herein in proceedings Na.Ka.No.15012/2009/SaPa dated 29.11.2010 confirming the order of the 2nd Respondent herein in proceedings Na.Ka.No.969/2008/Ni 4 dated 21.08.2009, quash the same and to direct the Respondents herein to pay all the consequential, terminal and pensionary benefits to the petitioner herein.

For Petitioner : Mr.G.Purushothaman

For Respondents : Mrs.Geetha Thamaraiselvan
Special Government Pleader (R1)
Mr.M.R.Raghavan (R2)



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ORDER

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The writ petition is filed praying for a writ of Certiorarified Mandamus challenging the order of the 1st Respondent in proceedings Na.Ka.No.15012/2009/SaPa dated 29.11.2010, confirming the order of the 2nd Respondent herein in proceedings in Na.Ka.No.969/2008/Ni4 dated 21.08.2009, quash the same and to direct the respondents herein to pay all the consequential, terminal and pensionary benefits to the petitioner herein.

2. The petitioner was appointed as an Attender in Salem District Central Co-operative Bank with effect from 01.11.1968 and was promoted to the post of Manager at Mallur Branch with effect from 30.03.2004 and transferred to Tharamangalan Branch and subsequently to Vennathur Branch. While the petitioner was working in Vennathur Branch, a charge memo dated 29.08.2006 was issued alleging that, during the period from 07.06.2004 to 23.03.2006, he sanctioned small vendor loan to 49 people who were not eligible to the said loan, that even the first instalment of the loan was not recovered and had received commission for sanctioning the said loan. Thereafter, a domestic enquiry was ordered and the petitioner is



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stated to have participated in the said enquiry and submitted his explanation to the charge memo. The Enquiry Officer in his report dated 21.05.2007 found that the charges made against the petitioner were proved. The petitioner was issued with a second show cause notice dated 14.07.2007 seeking explanation to the findings of the Enquiry Officer. A detailed explanation was submitted by the petitioner as to how the Enquiry Report was bad and stands vitiated.

2.1.The petitioner retired on 30.04.2008 and was relieved from service without prejudice to the disciplinary proceedings pending against him. Thereafter, a charge memo dated 14.07.2008 was issued against the petitioner in respect of the very same allegation calling for explanation. This was resisted to by the petitioner on the premise that charge memo itself was bad as he had already superannuated. This was followed by another Domestic Enquiry and show cause notice which culminated in the order of punishment of stoppage of increment for 5 years with cumulative effect vide order dated 21.08.2009 by the 2nd respondent.



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2.2. Aggrieved by the same, the petitioner filed a revision under Section 153 of the Co-operative Societies Act, 1983 before the 1st respondent herein who dismissed the revision by order 29.11.2010 on gross non-application of mind to the submission made by the petitioner. It is against this order of the revision passed by the 1st respondent, the petitioner had filed this writ petition challenging the same as having been made without jurisdiction and violation of Principles of Natural Justice.

3. I do not propose to examine the contention in view of the fact that there is further statutory remedy available by way of further revision to the Government under Section 153 of the Co-operative Societies Act, 1983. When this was pointed out, the learned counsel for the petitioner sought time to file further revision in terms of Section 153 of the Co-operative Societies Act, 1983.

4. In view of the same, the writ petition stands disposed of with liberty to the petitioner to file revision petition before the Government in terms of Section 153 of the Co-operative Societies Act, 1983, within a



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period of 4 weeks from the date of receipt of a copy of this order and if any such revision is filed, the same shall be disposed of by the Respondents within a period of 6 weeks from the date of filing of the revision petition in accordance with law. No costs. Consequently, connected miscellaneous petition, if any, is closed.

28.06.2023

Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/ No

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To:

- 1.The Joint Registrar of Co-operative Societies,
Salem Region, Salem.
- 2.The Joint Registrar/ The Special Officer,
Salem District Central Co-operative Bank,
Salem-1.



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MOHAMMED SHAFFIQ, J.

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