



W.P.No.6784 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.6784 of 2020

A.S.Shanmugam

... Petitioner

Vs.

1. The Secretary to Government
Co-operative Food & Consumer Protection
Department,
Fort St.George, Chennai 600 009.
2. The Registrar of Co-operative
Societies,
NVN Maligai, Kilpauk, Chennai 600 010
3. The Director of Vigilance and Anti-Corruption,
No.293, M.K.N.Salai, Collector Nagar,
Alandur, Chennai 600 016.
4. The Deputy Superintendent of Police,
Vigilance and Anti-Corruption Wing,
AR Line, Kumarasamy Patti,
Salem District – 636 007.
5. K.R.Rajendran
Co-operative Sub Registrar (PDS)
O/o.Deputy Registrar of Co-operative
Societies (PDS),



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Salem Collectorate, Salem District.

... Respondents

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PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the 1st and 2nd respondents herein to consider the representation dated 18.01.2020 made by the petitioner and pass appropriate orders within the stipulated time.

For Petitioner : Mr.T.Sundaravadanam

For Respondents : Mr.A.M.Ayyadurai
Government Advocate for R1 & R2
Mr.C.Prakasam for R5

ORDER

The petitioner has filed this petition seeking to direct the 1st and 2nd respondents to consider the representation dated 18.01.2020 made by the petitioner and pass appropriate orders within the stipulated time

2. The case of the petitioner is that the petitioner viz., A.S.Shanmugam was elected as President of the society during the month of October 2013 and thereafter he was elected as Director of the said society from the month of March 2019. In the said society, the 5th respondent who worked as Special Officer during the year 2013 has awarded promotion to four employees by



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creating one new post as Manager and appointed one Ravichandran (Senior Clerk) when the existing Assistant Secretary namely Krishnan was already working in the said society. Since the said Assistant Secretary/Manager is approved as cadre strength is one post but by changing the nomenclature one new post of Manager was created as if the said society has two different posts and loss has been occurred to society. In the said vacant post of Senior Clerk, Obili was appointed who has already been working in the post of Clerk, and in the vacant post of clerk, Palanisamy was appointed who was already working in the post of Fertilizer Attender, in the vacant post of Fertilizer Attender one Manickavel was appointed who was working as PDS salesman. The said special officer who misused his post and granted promotion to the four employees has unlawfully gained from the said employees and thereby caused loss to the society by creating a new post of Manager when there was already post of Assistant Secretary was existing and it was represented on 13.02.2018 in the said process loss has occurred. For the alleged loss, enquiry was ordered on 16.02.2018 by the Deputy Registrar of Cooperative Societies, Salem and report was submitted by 28.02.2018. The enquiry officer directed to recover the excess amount received by the employees but till date not



repaid. Proceedings was also initiated on 09.04.2019 to recover the excess salary amount paid to the employees which itself proves that the 5th respondent has continuously committed error. During the month of May 2019 the petitioner had complained to the 1st and 2nd respondents about the 5th respondent who has failed to discharge his duties with malafide intention with vested interest and the Deputy Registrar, Attur, Salem district has summoned the petitioner on 23.07.2019 to appear for enquiry on 01.08.2019 and the petitioner attended the enquiry. But still to safeguard the offender in all means no action was taken and refused to grant prosecution permission and adamant in taking prosecution action against the offender who has accumulated huge wealth by illegal means in swindling the society funds. Hence the petitioner gave a representation on 18.01.2020 to grant prosecution permission and the same was not considered. Aggrieved over the same, the petitioner has come forward with the present writ petition.

3. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the 1st and 2nd respondents to consider the



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petitioner's representation dated 18.01.2020 and pass appropriate orders on merits, within a particular time frame to be fixed by this Court.

4. The learned Government Advocate appearing for the 1st and 2nd respondents and the learned counsel appearing for the 5th respondent submitted that they have no objection for the said order being passed by this Court.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the 1st and 2nd respondents to consider the petitioner's representation dated 18.01.2020 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and a copy of the order passed by the 1st and 2nd respondents shall be sent to the petitioner by registered post.



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7. This Writ Petition is disposed of with the above observation and direction. No costs.

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Index : Yes/No

Speaking Order : Yes/No

To:

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