



W.P.No.6889 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2023

CORAM:

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.6889 of 2020
and W.M.P.Nos.8219 & 8220 of 2020

S.Renganathan

...

Petitioner

/vs/

1. The Joint Registrar of Co-operative Societies / Revisional Authority,
Cuddalore Region, Cuddalore,
Cuddalore District.

2. The President,
E2588 Nandhimangalam Primary Agricultural
Co-operative Credit Society,
Poolamedu Village & Post – 608 302,
Chidambaram Taluk,
Cuddalore District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the entire records relating to the impugned order passed by the first respondent in her proceedings Na.Ka.1676/2019 Thu.Va.Tha.1, dated 30.09.2019 whereby confirming the order passed by the second respondent in his proceedings No.Nil, dated 14.09.2018 and quash the same and consequently direct the respondents to reinstate the petitioner into service along with all monetary and service benefits to the petitioner.



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For Petitioner ... Mrs.Hemalatha
For Respondents ... Mr.G.Nanmaran
Special Government Pleader

ORDER

This Writ Petition has been filed for the issuance of a writ of certiorarified mandamus to call for the entire records relating to the impugned order passed by the first respondent in her proceedings Na.Ka.1676/2019 Thu.Va.Tha.1, dated 30.09.2019 whereby confirming the order passed by the second respondent in his proceedings No.Nil, dated 14.09.2018 and quash the same and consequently direct the respondents to reinstate the petitioner into service along with all monetary and service benefits to the petitioner.

2. The learned counsel for the petitioner submitted that while the appeal has been preferred by the petitioner to the first respondent, the connected criminal proceedings were pending and all those proceedings have been quashed and that would imply that there is no revenue loss caused by the petitioner. The criminal proceedings said to have been filed in view of the surcharge proceedings taken under Section 87 of the Tamil Nadu Co-operative Societies Act have also been quashed subsequently.



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3. However, the learned Special Government Pleader appearing for the respondents submitted that the criminal proceedings pertains to some other charges framed against the petitioner in the year 2015 and that has got no relevance to the present proceedings. It is further submitted that the petitioner was in the habit of misappropriating the funds of the Society repeatedly and for which, action has been taken against him on several occasions.

4. The only contention of the learned counsel for the petitioner is that no other charges is pending against the petitioner and so far as the charges for which he has been removed from service had a parallel criminal proceedings and the said proceedings was also quashed.

5. Since further materials which were not available at the time when the impugned proceedings were passed by the first respondent, I feel that the first respondent shall reconsider the request of the petitioner and pass a fresh order as to the confirmation of order of punishment within a time



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frame.

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6. Accordingly, this Writ Petition is disposed with a direction to the first respondent to reconsider the request of the petitioner and pass fresh order as to the confirmation of order of punishment within a period of eight weeks from the date of receipt of a copy of this order. No costs. Connected miscellaneous petitions are closed.

18.10.2023

Index: Yes / No

Speaking order / Non-speaking order

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To:

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R.N.MANJULA ,J.

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