



W.P.No.22468 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.22468 of 2023 &

WMP.Nos.21879 & 21881 of 2023

B.Vidjeacoumar

... Petitioner

Vs

1. The Registrar of Co-operative Societies, Puducherry,
Co-operative Department, Puducherry.

2. The Puducherry Co-operative Urban Bank Ltd., No.P.14,
No.197, J.N.Street, Puducherry – 605 001.
Puducherry – 605 001.

Rep. by its Managing Director.

... Respondents

Prayer:- Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to quash the proceedings of the disciplinary enquiry and the Enquiry report and quash the office order dated 12.06.2023 issued by the second respondent.



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For petitioner : Mr.Sharath Chandran

For Respondents : Mr.A.Tamilvanan
Additional Government Pleader – Pondy – R1
Mr.R.Sreedhar,
Standing Counsel for R2

ORDER

This Writ Petition has been filed to quash the proceedings of the disciplinary enquiry, the Enquiry report and quash the office order dated 12.06.2023 issued by the second respondent

2. The case of the petitioner is that the petitioner was departmentally proceeded for certain charges. The petitioner was working as an Assistant Cashier in the Co-operative Urban Bank Limited. Totally 6 persons have been proceeded in a departmental proceedings and the petitioner is arrayed as the sixth delinquent. It appears that One Mr.Gunasekaran was appointed as an enquiry officer in the departmental proceedings. As the said enquiry officer expressed his unwillingness to conduct the enquiry, the Bank appointed one



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Mr.Vaithianathan as the enquiry officer to conduct the proceedings. It appears that he has conducted enquiry by issuing summons to witnesses on 05.05.2023 on the same day, he has also filed the enquiry report. Further, it is surprised to note that the enquiry officer himself appointed another officer to assist him for effective conduct of enquiry and concluded the enquiry on the same day.

3. This Court is at loss to understand how the enquiry officer himself has appointed some other person to assist him in the enquiry and concluded the enquiry on the same day, without even affording proper opportunity to the writ petitioner. Inquiry itself has been conducted on the same day, i.e., on 05.05.2023 with the assistance of the person appointed by the enquiry officer. These facts clearly leads to the inference that the enquiry has not been conducted following the principles of natural justice and violated all the settled positions of law. When the enquiry officer himself engaged some other person to conduct enquiry on his behalf, which is not permissible in law, that too without any approval from the disciplinary authority. Therefore, entire enquiry



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report and the consequential termination Order is liable to be quashed. It is up to the respondents to conduct fresh enquiry as per law.

4. Accordingly, this Writ Petition is allowed and the entire disciplinary enquiry, enquiry report and the consequential termination Order dated 12.06.2023 is quashed. Consequently, connected miscellaneous petitions are closed.

04.09.2023

Index:Yes/No

Neutral Citation : Yes/No

vrc

To,

1. The Registrar of Co-operative Societies, Puducherry,
Co-operative Department, Puducherry.
2. The Puducherry Co-operative Urban Bank Ltd., No.P.14,
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N.SATHISH KUMAR, J.

VTC

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