



W.P.No.25751 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.25751 of 2023 &

WMP.Nos.25176 & 25177 of 2023

N.Regina

... Petitioner

Vs

1. The Registrar of Co-operative Societies,
Kilpauk, Chennai – 600 010.
 2. The Joint Registrar/Common Cadre Authority
of Co-operative Societies,
Nilgiri Region, Udhagamandlam, Nilgiri District.
 3. P.Jayaprakash Narayanan
Enquiry officer/Co-operative Sub Registrar [Rtd.] Advocate,
V.P.L.P. Illam, No.50, Nadu Theru,
Annappanadi, Madurai – 625 009.
 4. The President,
NG5, Thirumurugan Primary Agricultural
Co-operative Credit Society,
Panthalur Taluk, Nilgiri District.
- ... Respondents

Prayer:- Writ Petition is filed, under the Article 226 of Constitution of



W.P.No.25751 of 2023

India, to issue a Writ of Mandamus calling for the entire records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka. No.2366/2022 Common Cadre Authority (Suspension Order) dated 12.07.2022 in his proceeding Na.Ka. No.2366/2022/ Common Cadre Authority dated 6.4.2023(Charge Memo) and the 3rd respondent / Inquiry Officer RC No.2366/2022/CC dated 12.5.2023 (Appointment of Inquiry Officer) in his proceedings Na.Ka. No.1/ 2023/ domestic enquiry (Inquiry Report) dated 4.7.2023 and quash the same and reinstate the petitioner with all service attendant and monetary benefits including regularization of her suspension period from 12.7.2022 to till now as duty period for all purposes and intents.

For petitioner : Mr.S.Kamadevan

For Respondents : Mr.V.Jeevagiridharan
Additional Government Pleader

ORDER

This Writ Petition has been filed to quash the suspension order dated 12.07.2022 and charge memo issued dated 06.04.2023 issued by the second respondent, the domestic enquiry report dated 4.7.2023 and the notice issued by the second respondent dated 12.07.2023 and reinstate the petitioner with all service attendant and monetary benefits



including regularization of her suspension period from 12.7.2022 to till now as duty period for all purposes and intents.

2. The petitioner was placed under suspension on 12.07.2022 for certain misappropriation based on the enquiry conducted under section 81 of the Co-operative Societies Act. Thereafter, it appears that on 06.04.2023, a charge memo has been issued in respect of 13 heads for various misappropriation for more than Rs.18 lakhs along with others. Subsequently, the enquiry was proceeded and the enquiry officer has issued a notice on 12.05.2023 for which the petitioner also submitted her explanation on 11.05.2023. It is the further case of the petitioner that she has also sought certain documents on 01.06.2023 and the enquiry officer has permitted the petitioner to peruse the documents from 12.06.2023 till 16.06.2023 in the office hours by an Order dated 01.06.2023. In the enquiry, totally six documents have been filed by the delinquent. Based on the same, enquiry has been proceeded, and the enquiry officer has also filed a report to the effect that the charges have been proved. At this stage, challenge has been made on the ground that charge memo has



W.P.No.25751 of 2023

been issued after a delay of 240 days of his suspension.

3. I have perused entire materials available on record. The petitioner has already participated in the enquiry. His defence is that the alleged misappropriation is as per the resolution of the President and she also filed certain documents. In such view of the matter, this Court is of the view that as the petitioner has already participated in the enquiry and she was permitted to peruse the documents during the working hours and now she cannot complain violation of principles of nature justice. Further, the delay contended by the petitioner cannot be gone into at this stage. Hence, this Court is not inclined to interfere with the above proceedings.

4. Accordingly, this Writ Petition is dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

01.09.2023

Index: Yes/No



W.P.No.25751 of 2023

Neutral Citation : Yes/No

vrc

To,

1. The Registrar of Co-operative Societies,
Kilpauk, Chennai – 600 010.
2. The Joint Registrar/Common Cadre Authority
of Co-operative Societies,
Nilgiri Region, Udhagamandalam, Nilgiri District.
3. P.Jayaprakash Narayanan
Enquiry officer/Co-operative Sub Registrar [Rtd.] Advocate,
V.P.L.P. Illam, No.50, Nadu Theru,
Annappanadi, Madurai – 625 009.
4. The President,
NG5, Thirumurugan Primary Agricultural
Co-operative Credit Society,
Panthalur Taluk, Nilgiri District.



WEB COPY



W.P.No.25751 of 2023

N.SATHISH KUMAR, J.

VTC

WP.No.25751 of 2023

01.09.2023