



W.P.No.25811 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.25811 of 2023 and
W.M.P.No.25249 of 2023

K.Jaisankar

... Petitioner

Versus

1.S.607, Namakkal Agricultural Producers,
Cooperative Marketing Society,
Rep by Deputy Registrar/Managing Director,
Thiruchengode Road,
Namakkal – 637 001,
Namakkal District.

2.Mr.R.C.Ravichandran,
Deputy Registrar/Managing Director,
Thiruchengode Road,
Namakkal – 637 001,
Namakkal District.

3.Mr.Venkatesan,
Advocate /Enquiry Officer,
S.607.Namakkal Agricultural Producers,
Cooperative Marketing Society,
Thiruchengode Road,
Namakkal – 637 001,
Namakkal District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue an appropriate order, directing, or a writ, or a writ of certiorari calling for the records dated 16.09.2022 on the file of the first respondent and quash the same.



For Petitioner : Mr.V.Chandrakanthan
For Respondents : Mr.P.Baladhandayutham,
Special Government Pleader

ORDER

Challenging the impugned charge-memo, dated 16.09.2022 issued by the 1st respondent, this Writ Petition has been filed.

2.It is the case of the petitioner that the petitioner was appointed as Packer under compassionate appointment on 19.09.1997 by the 1st respondent and thereafter, he was promoted as Junior Assistant in the year 2019. After the petitioner was transferred to Jewel Loan Section, he was received with the charge-memo from the 1st respondent, dated 26.09.2022 alleging that when the petitioner was working as incharge of sales division of agricultural produce for the period from 24.07.2020 to 12.05.2022, he has committed three misconducts, which reads as follows:

“a)Failed to renew the traders as associate members and acted contrary to Rule 9(5).

b)Refuse to receive letter, dated 25.01.2022 which fixed responsibilities and duties.

c)Failed to receive advance and deposit amount from traders as per the proceedings of the Managing Director, dated 12.06.2015.”



W.P.No.25811 of 2023

Now, the challenging the same, the present Writ Petition has been filed.

WEB COPY

3.When the matter was taken up for hearing today, the learned Special Government Pleader appearing for the respondents submitted that already the enquiry officer has been appointed to enquire into the allegations made against the petitioner.

4.At this stage, this Court is of the view that unless there is jurisdictional issue, the charge memo, as a matter of right, cannot be challenged in the Writ Petition. It is the duty of the petitioner to give explanation to the enquiry officer to disprove the allegations made against him. However, at this stage, the very charge-memo itself cannot be interfered with.

5.Therefore, this Court does not find any merit in this writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

04.09.2023

vv2



WEB COPY



W.P.No.25811 of 2023

N.SATHISH KUMAR, J.

vv2

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
Speaking Order/Non-Speaking Order

To

The Deputy Registrar/Managing Director,
Cooperative Marketing Society,
S.607, Namakkal Agricultural Producers,
Thiruchengode Road,
Namakkal District – 637 001.

W.P.No.25811 of 2023

04.09.2023