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W.P.No.27700 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.27700 of 2023

and

W.M.P.No.27190 of 2023

C.Subramanian

... Petitioner

Vs.

- 1.The Joint Registrar of Cooperative Societies,
Office of the Joint Registrar of Cooperative Societies,
Cuddalore Region, Cuddalore,
Cuddalore District.
 - 2.The Deputy Registrar of Coop. Societies,
Office of the Deputy Registrar of Cooperative Societies,
Cuddalore Circle, Cuddalore,
Cuddalore District.
 - 3.The Enquiry Officer/Field Officer,
Sub-Registrar of Coop. Societies,
Office of the Deputy Registrar of Cooperative Societies,
Cuddalore, Cuddalore District.
 - 4.The Administrator/Management,
E-2601, Erumbur Primary Agricultural Co-op. Credit Society,
Erumbur, Bhuvanagiri Taluk,
Cuddalore District.
- ... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the entire records relating to the Enquiry Report of the 3rd Respondent in his proceedings Nil dated 02.06.2023 and quash the same.

For Petitioner : M/s.R.Hemalatha
For R1 to R3 : Mr.P.Baladhandayutham
Special Government Pleader
For R4 : Mr.R.Kumaravel
Additional Government Pleader

ORDER

This writ petition has been filed challenging the Enquiry Report under Section 81-A of the Tamil Nadu Cooperative Societies Act, 1983, issued by the 3rd respondent, dated 02.06.2023.

2.It is the case of the petitioner that he retired from the respondent Cooperative Society on 28.02.2019 after rendering his unblemished service without any remarks. However, four years after retirement, the petitioner received summons, dated 06.04.2023, asking him to appear before the 3rd respondent with regard to some violations said to



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have occurred in issuance of loans to some Self-Help Groups when the petitioner was in service at the relevant point of time. The petitioner appeared before the 3rd respondent. However, without considering the explanation offered by the petitioner, the 3rd respondent, due to previous enmity, even without conducting proper enquiry, has submitted his Enquiry Report under Section 81-A of the Tamil Nadu Cooperative Societies Act, dated 02.06.2023, and has recommended to initiate criminal proceedings against the petitioner. Challenging the same, the present writ petition has been filed.

3.It is the contention of the learned counsel for the petitioner that, four years after retirement, the petitioner has been roped in with false allegations and enquiry has been initiated against the petitioner under Section 81-A of the Act. It is the further contention of the learned counsel that the Deputy Registrar has no powers to initiate enquiry and it is only the Registrar who has powers to initiate enquiry under Section 81-A of the Act. Pursuant to the Enquiry Report, now action is being taken under Section 87-Surcharge proceedings. Hence, the learned counsel prays to quash the entire proceedings.



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4. Heard the learned counsel for the petitioner, Mr.P.Baladhandayutham, learned Special Government Pleader, who takes notice for the respondents 1 to 3, and Mr.R.Kumaravel, learned Additional Government Pleader, who takes notice for the 4th respondent.

5. At the outset, this Court is of the view that a writ petition is not maintainable for the simple reason that it is not a service matter and it is only an enquiry contemplated under Section 81-A of the Tamil Nadu Cooperative Societies Act, 1983. The question as to whether the Deputy Registrar has got powers to initiate enquiry or not, cannot be gone into at this stage. The Registrar may authorise any officer to hold enquiry on his behalf under Section 81 of the Act. Therefore, whether the Deputy Registrar has been given such general powers to hold enquiry under Section 81 of the Act, has to be seen only in the surcharge proceedings, but not in this writ petition. Further, the contention of the learned counsel for the petitioner that, since the enquiry proceedings has been initiated four years after retirement from service, the same is not maintainable, cannot be countenanced for the simple reason that enquiry or surcharge



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proceedings are not disciplinary proceedings and they are completely independent to disciplinary proceedings.

6.In such view of the matter, I do not find any merit in this writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

22.09.2023

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Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

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<https://www.mhc.tn.gov.in/judis>



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Cuddalore District.



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N. SATHISH KUMAR, J.
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