



WEB COPY



W.P.No.26081 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2023

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No. 26081 of 2017

N.Dhandapani

... Petitioner

Versus

- 1.The Registrar of Co-operative Societies(Housing),
Chennai.
- 2.The Deputy Registrar of Co-operative Societies(Housing)
Chinthamani Campus,
Ramasamy Street,
North Coimbatore,
Coimbatore 641 002.
- 3.The Assistant Director of Co-Operative Audit
State Bank Road,
Coimbatore District Co-operative Bank,
State Bank Road,
Coimbatore-641 018.
- 4.L.Gopalakrishnan
The President
Bogus Membership No.1189
PSG Co-operative House Building Society Limited
Reg No.CBE/HSR 13,
Avinashi Road,
Peelamedu, Coimbatore 641 004.
- 5.Mr.V.Jagganathan
Director and the then President in charge
Membership No 951
PSG Co-operative House Building Society Limited



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Reg No.CBE/HSg 13,
Avinashi Road,
Peelamedu, Coimbatore 641 004.

6. K.Bhaskaraboopathy
Erstwhile Co-operative Sub-Registrar(Housing)
Presently Co-operative Sub-Registrar(PDS)
O/o The Joint Registrar of Co-Operative Societies
Arockiasamy Street
KK Pudur
Coimbatore 641 038.

7.Mr.R.Rajaram
Advocate, Enquiry Officer,
PSG Co-operative House Building Society Limited
Reg No.CBE/HSg 13,
Avinashi Road,
Peelamedu, Coimbatore 641 004.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, prays to issue a Writ of Mandamus, directing the 1st respondent to consider and pass appropriate orders on the appeal dated 06.09.2017 preferred by the petitioner against the order of dismissal from service dated 29.08.2017 and appropriate orders on merits and in accordance with law.

For Petitioner : Mr.S.Selvathirumurugan

For Respondents : Mr.M.Shahjahan
Special Government Pleader

ORDER

This writ petition has been filed to direct the 1st respondent to consider



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and pass appropriate orders on merits, on the appeal dated 06.09.2017, preferred by the petitioner against the order of dismissal from service dated 29.08.2017.

2. The brief facts of the case as set out by the writ petitioner in the affidavit filed in support of the writ petition are that he was selected for appointment as a clerk in the 4th respondent society through Employment Exchange on 01.04.1998 and thereafter, he was promoted as the Secretary of the said society on 01.04.2013. It is the further case of the petitioner that the elected Board headed by one L.Gopalakrishnan was always trying to trouble the petitioner and in December 2013, the account books of the society, the day book ledger along with audit reports were taken away by them without the permission of the Registrar. As a result of the said action of the elected Director, the petitioner was unable to maintain the accounts or even unable to avail the cheque facility of the society to meet the day to day expenses of the society. In this connection, the petitioner had approached this Court by way of filing writ petition in W.P.No.9396 of 2017 seeking a writ of Mandamus. The said writ petition was against the order of suspension passed by the 3rd respondent on 23.12.2016. It is further contended by the writ petitioner that on 17.05.2017, the 5th respondent had issued a charge memo against the writ



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petitioner for not maintaining the accounts of the said society. The petitioner submitted his explanation on 23.06.2017. Thereafter, on 30.06.2017, the petitioner was called upon to appear before the enquiry officer. The enquiry officer adjourned the proceedings on 10.07.2017, on which the date, the petitioner made his representation seeking documents from the 4th respondent. Acceding to his request, the enquiry officer postponed the enquiry to 31.07.2017. However, the enquiry officer issued a communication preponing the hearing to 20.07.2017 and enquiry was completed on 20.07.2017 itself, in a great hurry. The petitioner once again approached this Court seeking issuance of a writ of mandamus and thereafter also issued a legal notice on 04.08.2017 to all the Board members including the official respondents pointing out the illegalities committed by the 4th, 5th and 7th respondents. However, without considering the same, by order dated 29.08.2017, a final order has been passed by imposing punishment of dismissal from service. Aggrieved by the same, the petitioner preferred statutory appeal on 06.09.2017 as against the order of the 2nd respondent, dismissing him from service on 29.08.2017. According to the writ petitioner, the appeal has not been disposed of by the 1st respondent and in such circumstances, he has approached this Court seeking a writ of Mandamus.



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3. Heard the learned Counsel for the petitioner and the learned Special Government Pleader for the respondents.

4. Admittedly, the statutory appeal has been filed by the writ petitioner as against the order of the 2nd respondent dismissing the petitioner from service. It is also admitted by the respondents. The said appeal is still pending and has not been disposed of. Considering the limited scope of the prayer sought for in the writ petition, this Court directs the 1st respondent to take up the statutory appeal dated 06.09.2017 and dispose of the same on merits and in accordance with law within a period of four weeks from the date of receipt of copy of this order.

5. With the above direction, this writ petition is disposed of. No cost.

12.06.2023

Index : Yes / No
Internet: Yes
Speaking/non speaking order
nr

P.B.BALAJI, J.,



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