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W.P.No.682 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.682 of 2024
and W.M.P.No.710 of 2024

N.Kamalam

...Petitioner

-Vs-

1.The Joint Registrar of Co-operative Societies,
Thiruppur (Post) and District.

2.The Secretary,
K 1569, Palladam Farmers Service Co-operative Society Limited,
(Now K.1569, Palladam Primary Agriculture
Co-operative Loan Sangam),
No.17, 18, Tiruchy Road,
Thiruppur District,
Palladam - 641 664.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent pertaining to the proceedings Na.Ka.No.3738/2023/U2 dated 03.11.2023, quash the same and to direct the respondents to reinstate the petitioner in service with all service monetary and attendant benefits including back wages.



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For Petitioner : Mr.V.Raghupathi
For R1 : Mr.S.Arumugam
Government Advocate
For R2 : Mr.T.Chandrasekaran
Special Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the first respondent pertaining to the proceedings in Na.Ka.No.3738/2023/U2 dated 03.11.2023, thereby dismissed the revision filed by the petitioner.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner had joined as a Saleswoman in the second respondent Society on 28.08.1992. She had committed irregularities by selling ration rice weighing 1091 kgs from Ammapalayam Fair Price Shop and 515 kgs of ration rice from Rasagoundampalayam Fair Price Shop. Due to the same, she was suspended from service by the proceedings dated 05.09.2013. Thereafter, she was served with a charge memo consisting of two charges.



4. The charges are extracted hereunder:-

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“ Brief history of the case:

According to the Respondent/Management, the Revision Petitioner. while working as Saleswoman in the Fair Price Shop in the No.K.1560, Palladam Farmers Service Co-operative Society Ltd., No.17-18. Tiruchy Road, Palladam - 641 664, Tirupur District, misappropriated the funds of the case Society, So, she was temporarily suspended based on the Surcharge proceeding dated 05.09.2013. Thereafter. the Responder Management served a Charge Memo dated 18.03.2014 against the Revision Petitioner with following charges.

Charge No.1:

The Revision Petitioner neglected form her duties and responsibilities and thereby caused defamation to the Respondent Society.

Charge No.1 Allegations:-

The Revision Petitioner was assigned to work as Saleswoman in the Ammapalayam and Rasakavundanpalayam Fair Price shops under Public Distribution System, which were in the control of the Respondent Management. Despite being served with Duties and Responsibilities, she failed to distribute 50 bags of rice to card holders and while involved in trafficking the same, she was arrested by CSCID Police, Tirupur Circle on 05.09.2013 and the Revision Petitioner was temporarily suspended by the Respondent management on the same day for acting on her own and defaming the society.

Charge No.2:-

The Revision Petitioner deviated from her duties and responsibilities by neglecting the Government Orders and the Circulars from the Registrar.



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Charge No.2 Allegations:-

i) From the letter of the Deputy Registrar (PDS) Tirupur, it is learnt that, the Revision Petitioner sold 1091 Kgs of Ration Rice from the Ammapalayam Fair Price Shop and 515 Kgs of Ration Rice from the Fair Price Shop, Rasakavundampalayam in the outside market and caused loss to the tune of Rs.19.593.20 and so she did not discharge her duties according to the Government Notifications and the Registrars circular. Hence an amount of Rs.30,000/- including the fine amount towards the loss caused by the revision petitioner by way of trafficking the said rice (20 Kgs, 30 Kgs, 50 Kgs.) meant for free distribution scheme and the same was recovered from the revision petitioner on 11.10.2013, and also a sum of Rs.19.593-20 including the fine amount from the revision petitioner was recovered on 11.12.2014 on the charge of misappropriation by way of preparing false vouchers.

After recovery of the said alleged misappropriated amount from the Revision Petitioner by the Respondent/Management, the Respondent Management issued a Charge Memo dated 18.03.2014 to the Revision Petitioner and without accepting her written explanation dated 23.09.2014, Domestic Enquiry was initiated against her and based on the Domestic Enquiry Report dated 22.02.2014, the Respondent Management issued a Second Show cause notice dated 18.02.2015 to the Revision Petitioner. The Revision Petitioner sent her detailed reply dated 28.02.2015 to the Respondent Management, denying the charges and without considering the same, the Respondent/Management sent a letter dated 09.03.2015 to the Revision Petitioner for her personal appearance on 14.03.2015 and accordingly she appeared in person on the above date and gave her explanation orally as stated in her aforesaid written explanation. But without considering her explanation and also the payment made by her towards the said charge amount the Respondent Management issued a Final order dated 30.04.2015 by dismissing her from service with effect from



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30.04.2015. Apart from that, the Respondent Management proceeded against her through Criminal Proceedings in C.C. No.22/2014 and C.C.5/2014 before the Hon'ble Judicial Magistrate No.IV, Coimbatore, by the CSCID. Tirupur. In the above cases, the Revision Petitioner was released under Probation of Offenders Act on 16.09.2016 in C.C. No.22/2014, and was also acquitted by the Hon'ble Judicial Magistrate, Coimbatore, in C.C.No.5/2014. on 08.12.2018. Against the said Dismissal order dated 30.04.2015, this Petition has been filed.”

5. After enquiry, by an order dated 30.04.2015, she was dismissed from service. On the strength of the charges, a criminal case was also registered against the petitioner which culminated into C.C.No.22 of 2014, on the file of the learned Judicial Magistrate IV, Coimbatore. As against the order of dismissal, with a delay, the petitioner filed a revision before the first respondent. However, it was dismissed on the ground of delay and the same was challenged before this Court in W.P.No.13278 of 2023. This Court, by an order dated 14.06.2023, directed the first respondent to consider the revision filed by the petitioner, on merits and in accordance with law. Accordingly, the first respondent had considered the entire case of the petitioner and passed a detailed order, after giving an opportunity of hearing to the petitioner. That apart, in one criminal case she was acquitted and in one case she was convicted by admitting her guilty. Now, on the surcharge proceedings, she also remitted the amount to the Society.



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6. In view of the above, this Court finds no infirmity or illegality in the order passed by the first respondent in Na.Ka.No.3738/2023/U2 dated 03.11.2023 and this writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition is dismissed. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

11.01.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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To

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G.K.ILANTHIRAIYAN. J,

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