



WEB COPY



W.P.No. 4492 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

**W.P.No.4492 of 2024
and
W.M.P.No. 4847 of 2024**

A.Mohan

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Petitioner

Vs

1. The Deputy Registrar of Co-operative Societies,
Office of Deputy Registrar of Co-operative Societies,
Jayapuram Colony, Tindivanam.

2. The Co-operative Sub-Registrar/Enquiry Officer,
Co-operative Legal Division-81/Mailam,
Marakanam Adi Dravidar Salt Workers Co-operative
Production and Sales Society Ltd.,
Mailam, Tindivanam, Villupuram District.

3. The Co-operative Sub-Registrar/Enquiry Officer,
Co-operative Legal Division-81/Marakanam,
Marakanam Adi Dravidar Salt Workers Co-operative
Production and Sales Society Ltd.,
Marakanam, Tindivanam, Villupuram District.

4. The President,
Rep. by its Administrator,
E-1368 Marakanam Adi Dravidar Salt Workers Co-operative
Production and Sales Society Ltd.,
Marakanam, Tindivanam, Villupuram District

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Respondents



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Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the impugned order dated 30.09.2022 issued by the respondent No.4 and quash the same and consequently direct the respondent Nos. 1 & 4 to implement the order issued by the respondent No.4 dated 03.08.2019 and reinstate the petitioner in the respondent No.4 Society and further directing the respondent No.4 to release the subsistence allowance from 21.02.2021 to till pending disposal of this case.

For Petitioner : Mr.Arun Kasi

For R1 to R3 : Mr.S.Ravi Kumar
Special Government Pleader

For R4 : Mr.E.Sundaram
Government Advocate

ORDER

This Writ Petition has been filed challenging the appointment of enquiry officer to conduct domestic enquiry in the disciplinary proceedings initiated as against the petitioner dated 30.09.2022.

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



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3. The petitioner was the Supervisor/Secretary of the fourth respondent Society. Thereafter, he was elected as the Secretary. While being so, there was misappropriation of funds and as such, the second respondent was directed to conduct enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, alleging that a sum of Rs.1,25,000/- was floated by the petitioner. On enquiry, the second respondent was recommended by the first respondent for disciplinary proceedings as against the petitioner. Thereafter, the Deputy Registrar of Co-operative Societies, Tindivanam, by its proceedings dated 17.07.2018, directed the third respondent to conduct another enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, regarding disparities in maintaining the accounts at the time of inspection. The third respondent conducted enquiry and submitted a report dated 23.10.2018. Based on the same, the petitioner was suspended from service on 20.02.2019.

4. On 14.03.2019, the fourth respondent issued charge memo to the petitioner and called for an explanation. Though the petitioner submitted an explanation dated 21.03.2019, it was found to be not satisfied



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and as such, the fourth respondent issued an order dated 14.03.2019 for conduct of domestic enquiry. On 10.07.2019, the Enquiry Officer submitted his report. However, the Enquiry Officer found that the charges were not proved and recommended to reinstate the petitioner. Accordingly, the fourth respondent issued an order dated 03.08.2019, thereby reinstated the petitioner into service. Thereafter, the petitioner was suspended from service by the proceedings dated 05.03.2020 on a different set of charges. Pursuant to it, a complaint was lodged and on receipt of the same, an FIR has been registered in Crime No.4 of 2020 for the offences under Sections 408, 120B, 471 & 477A of IPC.

5. On registration of the FIR, the petitioner was arrested and remanded to judicial custody. Thereafter, he was released on bail. Pursuant to the same, the petitioner was served with fresh charge memo on 15.07.2021 and directed the petitioner to submit his explanation. The petitioner submitted his reply on 25.07.2021. Without being satisfied with the explanation submitted by the petitioner, the fourth respondent, by an order dated 30.09.2022, ordered to conduct enquiry and appointed an



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Enquiry Officer. The petitioner has also attended enquiry and the enquiry is now pending. After a period of nearly two years, the appointment of enquiry officer cannot be challenged that too when the enquiry is progressing. Hence, the writ petition is devoid of merits and it is liable to be dismissed.

6. Accordingly, this Writ Petition stands dismissed.

Consequently, connected miscellaneous petition is closed. No costs.

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Interest : Yes/No

Index: Yes/No

Speaking /Non-speaking order

Neutral Citation : Yes/No

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To

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2. The Co-operative Sub-Registrar/Enquiry Officer,
Co-operative Legal Division-81/Mailam,
Marakanam Adi Dravidar Salt Workers Co-operative
Production and Sales Society Ltd.,
Mailam, Tindivanam, Villupuram District.

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3. The Co-operative Sub-Registrar/Enquiry Officer,
Co-operative Legal Division-81/Marakanam,
Marakanam Adi Dravidar Salt Workers Co-operative
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