



W.P.No.25370 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2024

CORAM :

THE HONOURABLE **DR. JUSTICE D.NAGARJUN**

W.P.No.25370 of 2015

and

M.P.No.1 of 2015

V.P.Rajendran

... Petitioner

Vs.

1. The Joint Registrar of Coop.Societies,
Tiruvallur Region, Collectorate Campus,
Tiruvallur, Tiruvallur District.
2. The President,
V.K.N.Kandigai Primary Agricultural
Cooperative Credit Society,
V.K.N.Kandigai Post, Tiruthani Taluk,
Tiruvallur District.
3. The President,
Suryanagaram Primary Agricultural
Cooperative Credit Society,
Suryanagaram, Tiruthani Taluk,
Tiruvallur District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus forbearing the respondents from proceeding further in the petitioner's disciplinary proceedings unless otherwise the third respondent sent case papers if any with them to the second respondent as per circular issued by the Registrar of Coop.



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Societies in his proceedings Rc.No.8347/2006/SF3/Circular No.16/2008
dated 17.06.2008.

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For petitioner	:	Mr.C.Prakasam
For R1	:	Ms.Geetha Thamaraiselvan
For R2	:	Mr.B.Hari Balan
For R3	:	L.P.Shanmugasundaram

ORDER

This writ petition is filed seeking for a a mandamus forbearing the respondents from proceeding further in the petitioner's disciplinary proceedings unless the third respondent sent case papers if any to the second respondent as per circular issued by the Registrar of Coop. Societies in his proceedings Rc.No.8347/2006/SF3/Circular No.16/2008 dated 17.06.2008.

2. The petitioner was appointed as a Clerk in the second respondent society and was directed to work as a Secretary in charge in the third respondent society. While so the petitioner was suspended by the third respondent for alleged irregularities committed in the third respondent society. The petitioner was issued a charge memo. The petitioner submitted his explanations but the second respondent ordered



for domestic enquiry. A request was made by the petitioner to furnish relevant documents in respect to the charges alleged against him but he was not provided with the same. Hence, the petitioner approached this Court and this Court by an order dated 17.11.2014 in W.P.No.26782 of 2012, directed the second respondent to furnish copies of the documents as sought for.

3. The learned counsel for the petitioner submitted that a letter was communicated to the petitioner on 22.04.2014 stating that the second respondent on several occasions sent relevant records through RPAD and the same was returned unserved as the petitioner was not available. While so, the Registrar of Cooperative Societies issued guidelines by way of circular in proceedings R.C.No.83470/2006/SF3/Circular No.16/2008 dated 17.06.2008, in respect of taking disciplinary proceedings against the employees who are in deputation and transferred to the borrowing society. If the borrowing society found any irregularities committed, then the society can impose minor penalties and in case, if major misconduct was committed, then the borrowing society shall remit the case papers to the parent Society. The third respondent has not sent any papers to the second respondent to initiate disciplinary proceedings against the petitioner



however, the second respondent itself initiated the disciplinary proceedings against the petitioner. Hence, this writ petition is filed seeking for a direction to grant interim direction to restrain the respondents from proceeding further in the petitioner's disciplinary proceedings.

4. Counter affidavit has been filed by the first and second respondents.

5. It is submitted by the learned counsel for the second respondent that the proceedings initiated against the petitioner have already been completed and enquiry report has also been submitted by the enquiry officer. It is further submitted by the learned counsel for the second respondent that the petitioner was asked to submit his explanations to the enquiry officer. The petitioner even without submitting his explanation to the enquiry officer, has preferred an appeal/revision dated 04.09.2015 under Section 153 of the TNCS Act, 1983, before the Joint Registrar of Cooperative Societies, Tiruvallur, which is stated to be still pending.



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6. Heard both sides and perused the materials available on record.

7. Once disciplinary proceedings have already been completed, this writ petition filed seeking for a direction not to proceed further with the disciplinary proceedings becomes infructuous.

8. In view of the above, this writ petition is dismissed and the petitioner is at liberty to approach the appropriate forum if the appeal/revision pending before the appellate authority is dismissed. Further, since the appeal/revision is stated to be pending before the appellate authorities for a long time, the Joint Registrar of Cooperative Societies, Tiruvallur, is directed to expedite the enquiry as quickly as possible. Connected miscellaneous petition is closed Costs made easy.

11.03.2024

vca

Index : Yes/No
Internet : Yes/No
Citation : Yes/No



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DR. D.NAGARJUN,J.

vca

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