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W.P.No. 5563 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

**W.P.No.5563 of 2024
and
W.M.P.No.6156 of 2024**

R. Ponnuvelu

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Petitioner

Vs

1. The Deputy Registrar of
Co-operative Societies (Credit),
2nd Floor, Kuralagam, Esplanade,
Chennai – 600 073.

2. The Administrator,
Life Insurance Corporation
Employees Cooperative Bank,
1st Floor, United India Building,
Esplanade, Chennai – 600 108.

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Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned notice issued by the first respondent in his proceedings Na.Ka.No.3623/2023 SaPa1, dated 16.02.2024 and quash the same and consequently directing the first respondent to furnish all relevant documents as mentioned by the petitioner in his written representation dated 06.12.2023.



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For Petitioner : Mr.C.Prakasam

For Respondents : Mr.P.Sathish
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the notice issued by the first respondent dated 16.02.2024, thereby calling upon the petitioner to attend the enquiry in the surcharge proceedings.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the first respondent and perused the materials available on record.

3. The only contention raised by the petitioner is that the petitioner retired from service on 30.06.2013 as General Manager in the second respondent Bank. On the eve of retirement, the second respondent passed an order de-promoting him from the post of General Manager to Manager and also reduced his retirement benefits. Therefore, the petitioner approached this Court by way of writ petition in W.P.No.3083 of 2014 and the same was allowed and the respondents were directed to disburse the benefits to the petitioner. Without complying with the said order, the



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respondent filed writ appeal before this Court in W.A.No.2605 of 2003 and it is pending, but no stay was granted.

4. While being so, the first respondent issued notice under Section 87(1) of the Tamil Nadu Co-operative Societies Act to order initiating the surcharge proceedings on the basis of the report submitted in the enquiry conducted under Section 81 of the Tamil Nadu Co-operative Societies Act. When an enquiry conducted under Section 81 of the Tamil Nadu Co-operative Societies Act, the first respondent failed to issue notice to the petitioner and the petitioner was not called upon to submit his explanation. Without serving the enquiry report, now, the surcharge proceedings has been initiated.

5. The learned counsel appearing for the respondent submitted that on so many occasions, the petitioner was given opportunity to inspect the documents and the petitioner has failed to utilise the opportunity.

6. Considering the facts and circumstances of the case, the first respondent is directed to serve the enquiry report along with necessary



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documents to the petitioner forthwith. On receipt of the same, the petitioner is directed to appear for enquiry for the surcharge proceedings initiated by the first respondent under Section 87(1) of the Tamil Nadu Co-operative Societies Act. After serving the enquiry report, the first respondent is directed to issue fresh notice to the petitioner to participate in the surcharge proceedings.

7. With the above direction, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

04.03.2024

Index: Yes/No
Speaking Order: Yes
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To
1. The Deputy Registrar of Co-operative Societies (Credit),
2nd Floor, Kuralagam, Esplanade,
Chennai – 600 073.

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2. The Administrator,
Life Insurance Corporation Employees Cooperative Bank,
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G.K.ILANTHIRAIYAN, J.

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