



W.P.No.24525 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.24525 of 2024
and W.M.P.No.26838 of 2024

V.Govindaraju

.. Petitioner

Vs.

- 1.The Registrar of Coperative Societies,
N.V.N. Maligai, Kilpauk,
Chennai – 600 010.
- 2.The Joint Registrar of Co-operative Societies,
Namakkal Region,
Namakkal.
- 3.The Deputy Registrar of Co-operative Societies,
Namakkal Circle,
Namakkal.
- 4.The Administrator,
S.175, Belukkuruchi Primary Agricultural
Co-operative Credit Society,
Belukkuruchi Post, Senthamangalam Taluk,
Namakkal District – 637 402.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorari, to call for the entire records of the
proceedings passed by the 2nd respondent in Na.Ka.2756/2023/SaPa dated



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19.02.2024 and the consequent charge memo issued by the 2nd respondent, vide proceedings in Na.Ka.No.2039/2024/Tho.Ve.Sa, dated 30.07.2024 and the consequent order of suspension passed by the 2nd respondent in proceedings in Na.Ka.No.2039/2024/Tho.Ve.Sa dated 31.07.2024 and quash the same as illegal and non est in the eye of law.

For petitioner : Mr.Abdul Saleem
Senior Counsel
for Mr.R.Suryaprakash

For RR 1 to 3 : Mrs.Geetha Thamaraiselvan
Special Government Pleader

For R4 : Mr.R.Siddharth

ORDER

This writ petition has been filed by the Assistant Secretary of S.175, Belukkuruchi Primary Agricultural Co-operative Credit Society challenging the proceedings of the 2nd respondent in Na.Ka.2756/2023/SaPa dated 19.02.2024 and the consequent charge memo dated 30.07.2024 and the suspension order dated 31.07.2024 issued by the 2nd respondent.

2.Heard the learned Senior Counsel for the petitioner, learned Special Government Pleader for respondents 1 to 3 and the learned



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counsel for the 4th respondent.

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3.The case of the petitioner is that the Joint Registrar of Co-operative Societies through proceedings dated 04.02.2022, constituted a Regional Committee for Namakkal Region to prepare a list of members who pledged their jewels and who were entitled for the waiver of loan. The field officers were appointed and a report was submitted to the Deputy Registrar of Co-operative Societies, Namakkal. The Deputy Registrar of Co-operative Societies, Namakkal, ordered enquiry under Section 81 of the Tamil Nadu Cooperative Societies Act. Based on the same, the then President of the Society suspended the petitioner from service through proceedings dated 01.04.2022 and a preliminary enquiry was conducted and based on the same, it was recommended to initiate disciplinary proceedings against the petitioner.

4.The further case of the petitioner is that charge memo was issued and the petitioner faced an enquiry and ultimately, the disciplinary proceedings ended with punishment of withholding the salary increment for a period of one year without cumulative effect. During the disciplinary proceedings, the petitioner was also placed under suspension.



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5.The grievance of the petitioner is that an Administrator was appointed to the society and the Administrator proceeded to file a revision petition under Section 153 of the Tamil Nadu Cooperative Societies Act before the Joint Registrar of Co-operative Societies. The Joint Registrar of Co-operative Societies through proceedings dated 19.02.2024, set aside the decision taken by the elected Board of Directors and ordered for a fresh domestic enquiry.

6.The above order passed by the Joint Registrar of Co-operative Societies ended in a fresh domestic enquiry and issuance of a new charge memo against the petitioner. The petitioner was also placed under suspension pending the disciplinary proceedings. Aggrieved by the same, the present writ petition has been filed before this Court.

7.The main ground that was taken by the learned Senior Counsel for the petitioner is that the Joint Registrar of Co-operative Societies did not have the power and jurisdiction to entertain a revision petition filed by the Administrator of the Co-operative Societies and against the order passed by the Society. That apart, such a revision was filed beyond the



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period of limitation prescribed under the Act. According to the petitioner, he has already undergone departmental proceedings which ended in a punishment. Therefore, on the very same set of facts, the petitioner cannot once again face disciplinary proceedings.

8.In the considered view of this Court, a careful reading of the order passed by the Joint Registrar of Co-operative Societies shows that there is definitely a scope for further enquiry in this case. The matter involves alleged loss of Rs.86,81,000/- caused to the society. Even if the Administrator of the Co-operative Societies had not filed a revision petition, the Registrar himself has a *suo motu* power to initiate such revision proceedings. Therefore, the Administrator of the Society must be considered to be merely an informant in this case. Hence, this Court is not inclined to interfere with the order passed by the Joint Registrar of Co-operative Societies and the enquiry must go on.

9.The petitioner was already suspended from service during the earlier enquiry conducted against him. Thereafter, he has been reinstated. The entire case is borne out by records. Therefore, there is no need for once again suspending the petitioner pending the departmental



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proceedings. Hence, this Court is inclined to interfere with the order of suspension passed against the petitioner.

10.In the light of the above discussion, the order of suspension dated 31.07.2024 passed by the 2nd respondent against the petitioner is set aside. There shall be a direction to the Administrator of the Co-operative Societies to proceed further with the enquiry by affording sufficient opportunity to the petitioner and a final decision shall be taken within a period of three (3) months from the date of receipt of a copy of this order. This Court did not intentionally touch upon the merits of the case, since, it may have a bearing at the time of enquiry and at the time of taking a decision in the departmental proceedings. Therefore, all the grounds are left open to be considered.

11.In the result, this Writ Petition is disposed of with the above directions. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index : Yes / No



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Internet : Yes / No
Neutral Citation : Yes / No

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N.ANAND VENKATESH, J.

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