



WEB COPY



W.P.No.27516 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2024

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THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.No. 27516 of 2017

and

W.M.P.Nos. 29411 & 29412 of 2017

S. Senthil Selvan

... Petitioners

Vs.

1.The Registrar of Co-Operative Societies,
EVR Salai, Kilpauk, Chennai – 600 010.

2.The Joint Registrar of Co-Operative Societies /
Managing Director,
Villupuram District,
Central Co-Operative Bank Ltd.,
2, Hospital Road, Villupuram.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records on the file of the second respondent relating to the impugned charge sheet bearing Na.Ka.No.E-1/2157/2017(2) dated 18.07.2017 and quash the same.

For Petitioner : Mr. A.S. Thambusamy

For Respondents : Mr. L.P. Shanmuga Sundaram, for R2
Special Government Pleader

ORDER

This Writ Petition has been filed to call for the records on the file of the second respondent relating to the impugned charge sheet bearing Na.Ka.No.E-1/2157/2017(2) dated 18.07.2017 and quash the same.



2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the second respondent.

3. It appears that the present writ petition has been filed against the charge memo bearing No. Na.Ka.No.E-1/2157/2017(2) dated 18.07.2017 by the second respondent calling for explanation of the petitioner framing certain charges enlisting certain violations mentioned therein.

4. A counter affidavit has been filed on behalf of the second respondent wherein, it is stated that the second respondent had only issued the charge memo as there is no individual action as enlisting. It is for the petitioner to submit explanation and if he is innocent and did not commit any act as enlisting and face the disciplinary action to defend his case but instead of doing that he hurriedly approached this Court without any valid reason.

5. The learned counsel appearing on either side advanced their arguments based on the averments made in the affidavit filed along with the writ petition and the counter affidavit filed by the second respondent.

6. On careful perusal of the entire materials available on record, it is an undisputed fact that this writ petition has been filed against the charge memo issued



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by the second respondent to the petitioner. Admittedly, this is not a final order imposing any punishment to the petitioner. The petitioner can submit his explanation to the charges levelled in the charge memo against the petitioner to prove his innocence. The petitioner also having the ample opportunity to participate in the disciplinary proceeding. The petitioner is always entitled to approach the Court of law if he has any grievance against the order to be passed in the disciplinary proceeding. Without doing so, the petitioner directly approached this Court under Article 226 of the Constitution of India against the charge memo issued by the second respondent.

7. In the considered opinion of this Court, at this stage, interference of this Court into the charge memo issued by the second respondent is unwarranted. Accordingly, this Writ Petition is dismissed.

8. Consequently, connected miscellaneous petitions are closed.

9. There shall be no order as to costs.

05.01.2024

Index :Yes/No

Neutral Citation :Yes/No

AT



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BATTU DEVANAND, J.

AT

To

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