



W.P.No.33784 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.33784 of 2023
and
W.M.P.No. 33631 of 2023

R.Duraisamy

... Petitioner

VS.

1.The Deputy Registrar of Co-operative Societies (H),
Salem Region,
Salem.

2.S938, Attur Gandhi Nagar,
Co-operative House Building Society,
Rep. by its President / Administrator,
Attur, Salem District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the charge memo issued by the 2nd respondent dated 09.03.2011 and consequential order of appointing house enquiry officer by the 1st respondent in Na.Ka.No.734/2010/A dated 23.03.2023 quash the same.



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For Petitioner : Mr.M.S.Palaniswamy

For Respondents : Mr.M.Murali
Government Advocate for R1 & R2

ORDER

This Writ Petition has been filed challenging the charge memo issued by the 2nd respondent dated 09.03.2011.

2. Heard Mr.M.S.Palaniswamy, learned counsel appearing for the petitioner and Mr.M.Murali, learned Government Advocate appearing for the respondents.

3. The case of the petitioner is that he was working as a Secretary in the 2nd respondent Society. The DVAC registered an FIR in Crime No. 17 of 2002. The petitioner was arrayed as an accused. On completion of the investigation, a final report was filed before the Special Court and it was taken on file in Special.C.C.No.40 of 2003. The petitioner faced trial and he was acquitted from all charges by judgment dated 15.06.2005. The prosecution filed an appeal in CrI.A.No.1007 of 2005 before this Court and



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the appeal was also dismissed by judgment dated 02.09.2010. Thereafter, a charge memo came to be issued by the 2nd respondent and the charges pertained to the same allegations, for which, the petitioner faced criminal proceedings. This charge memo has been put to challenge in the present Writ Petition.

4. In the considered view of this Court, this Court is not inclined to interfere with the charge memo issued by the 2nd respondent. It is brought to the notice of this Court that the petitioner is attaining the age of superannuation in the coming months. Therefore, it will be more appropriate to direct completion of the departmental proceedings itself within a time frame.

5. In the light of the above discussion, there shall be a direction to the 2nd respondent to dispose of the disciplinary proceedings, after affording sufficient opportunity to the petitioner within a period of three months from the date of receipt of a copy of this order.



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WEB COPY 6. This Writ Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

05.09.2024

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Internet : Yes/No

Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No



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N.ANAND VENKATESH, J.

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