



WEB COPY



W.P.No.30 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.30 of 2024
and
W.M.P.No.18 of 2024

P.Ramdoss

...Petitioner

-Vs-

1.The Joint Registrar of Cooperative Societies,
Ranipet Region,
Ranipet.

2.The Deputy Registrar of Cooperative Societies,
Ranipet,
Ranipet District.

3.The President/Administrator,
Chakramallur PACB,
Chakramallur Village and Post,
Ranipet District

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Certiorari calling for the records on the file of the 1st respondent in Na.Ka.No.7902/2008 A2 dated 04.04.2022 and consequential order in Na.Ka.No.4046/2022 A2 dated 10.07.2023 and quash the same and consequently direct the respondents to reinstate the petitioner with all attendant benefits.



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For Petitioner : Mr.S.Sairaman
For R1 and R2 : Dr.T.Seenivasan
Special Government Pleader
For R3 : Mr.M.Rajendran
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the order dated 04.04.2022 in Na.Ka.No.7902/2008 A2 passed by the first respondent and appeal order passed by the first respondent, thereby confirming the order passed by the second respondent.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner had joined as Salesman in the second respondent Society. He was terminated from the post of Salesman on 21.08.2006. The Society initiated the disciplinary proceedings as against the petitioner. The petitioner was served with charge memo and the charge of misappropriation of society's fund, thereby caused loss to the Society to the tune of Rs.48,71,635.15/-. While he was working as Clerk/Salesman of Manure, he failed to deposit a sum of Rs.4,64,000/-. He further misappropriated to the tune of Rs.11,14,625.15/-, without depositing the sale of manure to the Society.



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Though the disbursal of sanction of loan for agricultural had stopped, he issued a cheque for a sum of Rs.2,86,500/- in favour of its members and misappropriated the same. Further, by a cheque dated 02.06.2003, he misappropriated to the tune of Rs.2,17,000/-. He failed to account a sum of Rs.15,000/- by way of cheque dated 08.05.2003. Without even any resolution by the Special Officer with regard to sanction of loan, the petitioner fabricated the resolution as if passed by the Special Officer and caused loss to the Society to the tune of Rs.27,74,510/-.

4. Based on the complaint, an enquiry was conducted under Section 81 of the Tamil Nadu Co-operative Societies Act and found that the above misappropriation was committed by the petitioner. On the strength of the enquiry report, a criminal case has been registered as against the petitioner. Based on the report, the petitioner was served with charge memo. Though the petitioner has taken a specific stand that he was not provided with documents, which were relied upon by the respondents during the enquiry, thereafter, he was furnished with all the documents, he was given an opportunity to submit his explanation. After completion of enquiry, the petitioner was removed from service.



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5. Aggrieved by the same, he filed revision under Section 153 of Tamil Nadu Co-operative Societies Act before the first respondent. The first respondent also confirmed the order passed by the second respondent. Aggrieved by the same, the petitioner filed writ petition before this Court in W.P.No.17686 of 2022. This Court had set aside the order passed by the first respondent by an order dated 25.11.2021 and directed the first respondent to consider the revision petition afresh, after giving an opportunity to the petitioner. As directed by this Court, the first respondent, after giving an opportunity of hearing to the petitioner, passed an order dated 10.07.2023, thereby confirming the order passed by the second respondent.

6. A perusal of the order passed by the first respondent reveals that the first respondent passed the order after giving an opportunity of hearing to the petitioner. Therefore, this Court finds no infirmity or illegality in the order passed by the first respondent and the order passed by the second respondent was confirmed. Hence, the writ petition is devoid of merits and it is liable to be dismissed.

7. Accordingly, this Writ Petition stands dismissed.



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Consequently, connected miscellaneous petition is closed. No costs.

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Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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To

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- 2.The Deputy Registrar of Cooperative Societies,
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Ranipet District.
- 3.The President/Administrator,
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G.K.ILANTHIRAIYAN. J,



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