



W.P.No. 39521 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21.12.2024

Coram:

THE HONOURABLE Mrs.V.BHAVANI SUBBAROYAN

W.P.No. 39521 of 2024 &

W.M.P.No.42797 of 2024

K.Ravi

...Petitioner

Vs.

1. The Registrar of Co-op. Societies,
Kilpauk, Chennai 600 010
2. The Joint Registrar of Co-op Societies,
Thiruvannamalai Region,
Thiruvannamalai District
3. H.H.550, Mosavadi Primary Agricultural Co-op
Credit Society,
rep. By its Administrator,
Mosavadi – 604 503, Vandavasi Taluk,
Thiruvannamalai District
4. The Deputy Registrar / Enquiry Officer,
H.H.550, Mosavadi Primary Agricultural Co-op.
Credit Society, rep. By its Administrator
Mosavadi – 604 503, Vandavasi Taluk,
Tiruvannamalai District
5. M.Venkatesan
Secretary I/c
H.H.574, Mazhaiyur Primary
Agricultural Co-op. Credit Society,
Mazhaiyur – 604 502, Vandavasi Taluk,
Tiruvannamalai District

...Respondents



W.P.No. 39521 of 2024

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of Writ of Mandamus directing the 3rd and 4th respondents from proceeding further with disciplinary proceedings against the petitioner pending disposal of statutory revision petition dated 15.11.2024 before the 2nd respondent herein.

For Petitioner	: Mr.T.Sundaravadanam
For Respondents	: Mr.V.Manoharan for R1 and R2 Additional Government Pleader Mr.T.M.Rajangam for R3 and R4 Government Advocate

ORDER

With consent on either side, the main Writ Petition itself is taken up for final disposal at the admission stage.

2. The present Writ Petition is filed for issuance of a Writ of Mandamus directing the 3rd and 4th respondents from proceeding further with disciplinary proceedings against the petitioner pending disposal of statutory revision petition dated 15.11.2024 before the 2nd respondent herein.

3. The brief facts of the case, as averred by the Petitioner are as follows:-

(i) The petitioner was appointed on 02.08.1995 as Salesman in the Ration shop at Mosavadi run by the 3rd respondent society and the petitioner had worked for 28 years in various ration shops. The petitioner was awarded in-charge of



W.P.No. 39521 of 2024

Secretary post from 02.04.2017 and thereafter received the post of Secretary on 30.06.2022 and directed to work in the society office in the cadre of Salesman, while so, the petitioner was suspended by the then President of the Society on 08.03.2023 for the alleged charges that the crop loans were not disbursed properly to the members of the society and from the date of suspension, the petitioner has not been paid with the subsistence allowance by the 2nd respondent society. The domestic enquiry has not yet commenced and the disciplinary proceedings have not been initiated by the management.

(ii) The petitioner has met with road accident on 17.08.2023 and spent for the recovery of bone fracture in the left leg and the petitioner was advised to take rest completely and for the medical treatment, the management has not paid the subsistence allowance, which the petitioner is entitled during the pendency of the disciplinary proceedings. Aggrieved by the non-payment of the subsistence allowance, the petitioner has made a representation on 11.08.2023 and 31.08.2023 to the respondents 1 and 2 and the same was not considered, hence earlier, W.P.No.29202 of 2023 was filed and the same was ordered on 09.10.2023 to consider the representations within a period of four weeks and thereafter, ten months subsistence allowance was paid. Thereafter, it was withheld by the 2nd respondent and disbursement was stopped for no reasons.



W.P.No. 39521 of 2024

Thereafter, the petitioner submitted a representation on 25.01.2024 and 20.03.2024 to the respondents 3 and 4, since the same were not considered, a Writ Petition No.12672 of 2024 was preferred and a direction was given to the 3rd respondent to pay the dues, if it is not done. After the receipt of said order, still the lawful dues of subsistence allowance have not been paid for the month from January, 2024 to December, 2024.

(iii) A charge memo dated 29.01.2024 was issued consisting of 5 charges and the same was served on 17.02.2024. Thereafter, the petitioner made several representations dated 21.02.2024 and 29.10.2024 requesting to serve the documents relied upon for issuance of a charge memo to enable the petitioner to submit the explanation to the charges, but till date, neither the documents were furnished nor the subsistence allowance has been paid to the petitioner. Since the petitioner is not convinced in the domestic enquiry, he filed Revision Petition dated 15.11.2024 before the appellate authority, viz., 2nd respondent. While so, on 22.11.2024, the 5th respondent has issued letter permitting to scrutiny the files from 25.11.2024 to 29.11.2024, but it was not actually allowed on the said dates with malafide reasons and made to wait on the entrance of the society and walked away, in these hurried commencement of enquiry proceedings, the petitioner filed his objection letter on 22.11.2024 to the 4th respondent in respect



W.P.No. 39521 of 2024

of his involvement in society administration, still the 4th respondent proceeds with domestic enquiry, who is not an neutral person and acts as biased manner. Hence this petition.

4. The learned Additional Government Pleader appearing for the respondents 1 and 2 and the learned Government Advocate appearing for the respondents 3 and 4 would submit that the enquiry is under progress and the same will be completed within a period of three months, thereby pleaded to grant sufficient time. Further, since it is a voluminous documents, the petitioner may be directed to take necessary copies to enable him to submit the explanation.

5. On going through the documents placed on record it is seen that the petitioner was appointed on 02.08.1995 as Salesman in the ration shop at Mosavadi run by the 3rd respondent society and the petitioner had worked for 28 years in various ration shops. The petitioner was suspended by the then President of the Society on 08.03.2023 for the alleged charges that the crop loans were not disbursed properly to the members of the society. Since the management has not paid the subsistence allowance, which the petitioner is entitled during the pendency of the disciplinary proceedings, the petitioner has made a representation on 11.08.2023 and 31.08.2023 to the respondents 1 and 2 and the same was not considered, hence earlier, W.P.No.29202 of 2023 was



W.P.No. 39521 of 2024

filed and the same was ordered on 09.10.2023 to consider the representations within a period of four weeks and thereafter, ten months subsistence allowance was paid. Thereafter, it was withheld by the 2nd respondent and disbursement was stopped for no reasons.

6. Further, a charge memo dated 29.01.2024 was issued consisting of 5 charges and the same was served on 17.02.2024. Though the petitioner made several representations dated 21.02.2024 and 29.10.2024 requesting to serve the documents relied upon for issuance of a charge memo to enable the petitioner to submit the explanation to the charges, but till date, neither the documents were furnished nor the subsistence allowance has been paid to the petitioner. Since the petitioner is not convinced in the domestic enquiry, he filed Revision Petition dated 15.11.2024 before the appellate authority, viz., 2nd respondent.

7. Considering the above said facts and circumstances of the case and taking note of the submission on the side of the respondents that the enquiry will be concluded within a period of three months and further, the petitioner has not been served with necessary documents, which the petitioner is entitled to, the respondents are directed to furnish the entire documents, which they have relied upon for the issuance of a charge memo and the petitioner can also be permitted



W.P.No. 39521 of 2024

to take copies of such documents and submit the explanation, further the respondents are directed to complete the enquiry within a period of three months, preferably on or before 30.04.2025 and the petitioner is directed to co-operate with the enquiry process. Till such time, the subsistence allowance shall be paid to the petitioner.

In view of the above, the Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

21.12.2024

Index : Yes / No;
Internet : Yes / No
Speaking Order / Non Speaking Order
ssd

To

1. The Registrar of Co-op. Societies,
Kilpauk, Chennai 600 010
2. The Joint Registrar of Co-op Societies,
Thiruvannamalai Region,
Thiruvannamalai District
3. H.H.550, Mosavadi Primary Agricultural Co-op
Credit Society,
rep. By its Administrator,
Mosavadi – 604 503, Vandavasi Taluk,
Thiruvannamalai District



W.P.No. 39521 of 2024

4. The Deputy Registrar / Enquiry Officer,
H.H.550, Mosavadi Primary Agricultural Co-op.
Credit Society, rep. By its Administrator
Mosavadi – 604 503, Vandavasi Taluk,
Tiruvannamalai District

5. M.Venkatesan
Secretary I/c
H.H.574, Mazhaiyur Primary
Agricultural Co-op. Credit Society,
Mazhaiyur – 604 502, Vandavasi Taluk,
Tiruvannamalai District



WEB COPY



W.P.No. 39521 of 2024

V.BHAVANI SUBBAROYAN, J.

ssd

W.P.No.39521 of 2024

21.12.2024