



W.P.(MD).No.15332 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.15332 of 2024
and WMP(MD) No.13433 of 2024

K.Selvakumar

... Petitioner

Vs

1. The Joint Registrar of Co-operative Societies,
O/o.The Joint Registrar of Cooperative Societies,
Government Multistoried Building,
Kajamalai Colony,
Tiruchirappalli - 620 020.

2. The Deputy Registrar of Co-operative Societies,
Tiruchirappalli Circle,
Government Multistoried Building,
Kajamalai Colony,
Tiruchirappalli - 620 020.

3. The Administrator,
R-264,
Thiruverumbur Primary Agricultural Cooperative Credit Society,
Thiruverumbur, Tiruchirappalli District.

4. The Domestic Enquiry Officer/ Deputy Registrar (Retired),
R-264, Thiruverumbur Primary Agricultural
Cooperative Credit Society,
Thiruverumbur, Tiruchirappalli District.

... Respondents



W.P.(MD).No.15332 of 2024

WEB COPY

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned communication, dated 19.06.2024 issued by the 3rd respondent and quash the same and consequently direct the respondents to furnish the relevant documents relied in the charge memorandum dated 14.05.2024 and other documents mentioned in the representations of the petitioner dated 23.05.2024 and 26.06.2024 and proceed with disciplinary proceeding after giving sufficient opportunity to him to put forth his defence.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondents : Mr.S.Kameswaran
Government Advocate

ORDER

Heard Mr.D.Shanmugaraja Sethupathi, learned counsel for the petitioner, Mr.S.Kameswaran, learned Government Advocate, for the respondents.

2.This Writ Petition has been filed challenging the impugned communication, dated 19.06.2024 issued by the 3rd respondent and consequently to direct the respondents to furnish the relevant documents relied in the charge memorandum, dated 14.05.2024 and other documents mentioned in the representations of the petitioner, dated 23.05.2024 and 26.06.2024 and



W.P.(MD).No.15332 of 2024

proceed with disciplinary proceeding after giving sufficient opportunity to him to put forth his defence.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4.The learned counsel for the petitioner submitted that the petitioner has been issued with a charge memo, dated 14.05.2024 on certain allegations of misconduct. The petitioner has applied for a copy of some 9 documents in order to defend himself effectively during the disciplinary proceedings and the same was denied to him. It is submitted that the allegations are serious in nature and hence, the above documents are essential for making a valid defence.

5.It appears that the petitioner has been charged with sexual harassment caused to some women employee. In the list of documents, the petitioner has requested to furnish a copy of complaint and statement given by a women employee, who has made the allegations of sexual harassment against him.



W.P.(MD).No.15332 of 2024

6.All the documents sought by the petitioner was rejected by the 3rd respondent stating the following reasons:

● **Document No.1:**

Seeking a copy of complaint given by a women employee, dated 20.03.2024. It is stated by the 3rd respondent that the complaint has not been given to the Society and hence, it is not possible to furnish the copy.

→ *Since the disciplinary action has been initiated only on the basis of the complaint, it is obligatory on the part of the 3rd respondent to provide a copy of the same to the petitioner;*

● **Document No.2:**

It refers to an Internal Committee's report, dated 28.03.2024:

→ *It is unnecessary for the petitioner to seek about the other proceedings that had happened before preparing the report by the Committee.*



W.P.(MD).No.15332 of 2024

● **Document No.3:**

Doc.No.3 is concerned, it is about the statement of complainant made before the Committee. It is stated by the 3rd respondent that the contents of the statement has been stated in the charge itself, therefore, it is not necessary.

→ *Since the allegations have been made against the petitioner, it would be appropriate to serve a copy of the statement of the employee, who had made allegations, be furnished to the petitioner in the interest of justice.*

● **Document Nos.4 to 6:**

So far as the doc. Nos.4 to 6 are concerned, it is stated that with regard to Doc.No.6, there is no allegation in the charge memo and hence, it is unnecessary to furnish the copies.

→ *The reason stated by the 3rd respondent is acceptable. However, the copies of Doc.Nos.4,5 can be granted, as the charges have been made on the basis of those statements.*



W.P.(MD).No.15332 of 2024

● **Document No.7:**

It is about the copy of the Internal Complaints Committee Report.

→ *The report of the Internal Committee is important and the petitioner is entitled to get a copy of the same. Even if it is submitted to the first respondent, the 3rd respondent shall call for a copy and furnish a copy to the petitioner.*

● **Document Nos.8 & 9:**

Doc.Nos.8 & 9 are inter-office communications.

→ It is right for the respondent to reject the same.

7.In view of the above reasons, the respondents are directed to furnish the copies of Doc. Nos.1, 3, 4, 5 and 7 to the petitioner within a period of two weeks from the date of receipt of copy of this order. Since the petitioner has not submitted his explanation so far, he may be given with an opportunity to make his submissions by giving him two weeks time from the date of furnishing the copies of documents and then proceed further. The further proceedings of the enquiry shall be commenced only in compliance of this order.



W.P.(MD).No.15332 of 2024

WEB COPY

8. With the above directions, this writ petition stands disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

10.07.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

1. The Joint Registrar of Co-operative Societies,
O/o. The Joint Registrar of Cooperative Societies,
Government Multistoried Building,
Kajamalai Colony,
Tiruchirappalli - 620 020.

2. The Deputy Registrar of Co-operative Societies,
Tiruchirappalli Circle,
Government Multistoried Building,
Kajamalai Colony,
Tiruchirappalli - 620 020.

3. The Administrator,
R-264,
Thiruverumbur Primary Agricultural Cooperative Credit Society,
Thiruverumbur, Tiruchirappalli District.

4. The Domestic Enquiry Officer/ Deputy Registrar (Retired),
R-264, Thiruverumbur Primary Agricultural
Cooperative Credit Society,
Thiruverumbur, Tiruchirappalli District.



WEB COPY



W.P.(MD).No.15332 of 2024

R.N.MANJULA, J.

PNM

ORDER IN
W.P.(MD).No.15332 of 2024

10.07.2024