



WP(MD). No.17012 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 03.12.2024

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

WP(MD)No.17012 of 2021
and WMP(MD)Nos.13943 and 13944 of 2021

K.Saraladevi

... Petitioner

versus

1. The Registrar of Co Operative Societies,
Office of the Registrar of Co Operative Societies,
No.170, Periyar, E.V.R. Road,
Kilpauk,
Chennai-10.
2. The Joint Registrar Cum Managing Director,
Ramanad District Central Cooperative Bank Limited,
Ramanathapuram,
Ramanad District.
3. The Circle Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar (Cooperative),
Ramnad Circle,
Ramanathapuram.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, to call for the records pertaining to impugned charge memo issued by the first respondent in his proceedings in Na.Ka.001686/2012-2013/TAB2 dated 02.12.2020 and quash the same.



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For Petitioner : Mr.C.Jeganathan
For R1 : Mr.K.Balasubramani
Special Government Pleader
For R2 : Mr.D.Shanmugaraja Sethupathy

ORDER

The petitioner, while working as an Assistant Manager in the Parthibanoor Branch, Central Co-operative Bank, Ramanathapuram, was placed under suspension, by proceedings dated 20.10.2020, on the allegations that she had disbursed the loans beyond the limits of the Co-operative Bank and failed to take action as against the defaulters. Challenging the same, the petitioner has filed a writ petition in W.P. (MD)No.15344 of 2020 before this Court. Subsequently, the petitioner was also issued with a charge memo dated 02.12.2020, which is impugned in this writ petition. The charge memo dated 02.12.2020 was issued pursuant to the report filed under Section 82 of the Tamil Nadu Co-operative Societies Act, 1983. This Court, by order dated 01.07.2021, set aside the suspension order passed by the second respondent dated 20.10.2020. As against the same, the respondent Society has preferred a writ appeal in W.A.(MD)No.1746 of 2021, wherein, the Division Bench of this Court, on 13.09.2021, has granted an order of interim stay. In



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these circumstances, the petitioner has filed this writ petition, challenging the charge memo dated 02.12.2020 issued by the first respondent.

2. It is the main contention of the learned counsel appearing for the petitioner that even according to the counter affidavit, the lapses have been found as against the petitioner as well as other officers, however, disciplinary action has been taken as against the petitioner alone by issuing the charge memo and not others. This, according to the petitioner, is with *mala fide*, by choosing her alone and leaving others, who are also similarly placed persons.

3. The learned Special Government Pleader appearing for the first respondent submits that the charge memo was issued pursuant to the report filed under Section 82 of the Tamil Nadu Co-operative Societies Act, 1983. Since the impugned proceedings in this writ petition is only a charge memo, the petitioner can produce the relevant materials before the Enquiry Officer to substantiate her case that she has discharged her duty diligently and not caused any loss to the Society. The learned Special



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Government Pleader further submits that though this Court has not granted any interim order in this writ petition, by referring this writ petition, the petitioner is not co-operating for the inquiry.

4. This Court considered the rival submissions made and perused the materials placed on record.

5. The impugned proceedings in this writ petition is only a charge memo. The Hon'ble Supreme Court in *Union of India Vs Kunisetty Satayanarayana*, reported in *2006 SCC Vol.II, 28*, has held that the charge memo or show cause notice shall not be interfered with by the orders of the Courts except lack of jurisdiction of the authority or if any *mala fides* are attributed.

6. The petitioner has pointed out that disciplinary action has been taken selectively as against her. But, the same has been denied by the learned Special Government Pleader. Even assuming that disciplinary action has been taken selectively as against the petitioner, that cannot be treated as *mala fide* to interfere with the impugned charge memo.



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Further, the competence of the officer, who issued the impugned charge memo, has not been questioned in this writ petition. Therefore, this court is not inclined to interfere with the impugned charge memo.

7. Accordingly, this writ petition is dismissed. However, there shall be a direction to the petitioner to appear before the Enquiry Officer and to adduce evidence and produce documents, if any, to substantiate her case. The respondent shall conclude the enquiry within a period of six months from the date of receipt of copy of this order. In the event, if any other persons have also been held responsible, it is the responsibility of the respondents to initiate departmental proceedings as against those erring officials and the respondents should not give any room for further litigations. No costs. Consequently, connected miscellaneous petitions are closed.

03.12.2024

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NCC : Yes / No.
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B.PUGALENDHI, J.

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