



W.P.(MD)No.16923 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.16923 of 2024

and

W.M.P.(MD)Nos.14582 & 14584 of 2024

G.Prabhakaran

... Petitioner

Vs.

1.The Deputy Registrar,
Deputy Registrar of Cooperative Society Office,
C91, 2nd Cross Street, Maharajanagar,
Tirunelveli District-627 011.

2.The Enquiry Officer,
Deputy Registrar of Cooperative Society Office,
T.T.71, Tirunelveli, Thoothukudi District,
Government Teachers and Education Employees
Cooperative Thrift Society,
C91, 2nd Cross Street, Maharajanagar,
Tirunelveli District-627 011.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned summon issued by the 1st respondent vide proceedings in Tha.Va.No.1/2023-2024 dated 15.07.2024 and quash the same as illegal and consequently direct the 1st respondent to provide the requested basic documents to enable the petitioner to participate in the proceedings based on the representation dated 17.05.2024 within a stipulated time that may be fixed by this Court.



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For Petitioner : Mr.R.Karunanidhi
For Respondents : Mr.M.Senthil Ayyanar
Government Advocate

ORDER

This writ petition has been filed challenging the summon issued by the 1st respondent vide proceedings in Tha.Va.No.1/2023-2024 dated 15.07.2024 as illegal and consequently to direct the 1st respondent to provide the requested basic documents to enable the petitioner to participate in the proceedings based on the representation dated 17.05.2024 within a stipulated time that may be fixed by this Court.

2.By consent of both sides, the Writ Petition is taken up for final disposal at the admission stage itself.

3.Heard Mr.R.Karunanidhi, learned counsel for the petitioner and Mr.M.Senthil Ayyanar, learned Government Advocate for the respondents.

4.The petitioner is working as a Headmaster in Melmanthai Government High School, Melmanthai, Thoothukudi District and he is a Chariman of respondent Society. With regard to some misappropriation, proceedings under Section 87 of the Tamil Nadu Cooperative Societies Act has been initiated against the petitioner and a report was also filed by the Enquiry Officer. The



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petitioner, had requested the first respondent to furnish some basic documents in order to make an effective defence. Without furnishing the documents requested by the petitioner, the respondents had issued the impugned summons dated 15.07.2023 requiring the petitioner to appear for enquiry.

5.The learned counsel for the petitioner submitted that even prior to the issuance of the impugned summons, the petitioner sought certain documents for perusal, but the same has not been furnished to him. However, in the summons, it is stated that though the petitioner had been given with an opportunity to peruse the documents, he failed to make use of the said opportunity, for the reasons best known to him.

6.The learned Government Advocate for the respondents submitted that the petitioner was given with an opportunity of perusing the documents, under which the proceedings have been initiated against the petitioner before issuing the summons, which is impugned in this writ petition. However, the petitioner failed to avail the said opportunity for the reasons best known to him. Further, the petitioner has not mentioned the list of specific documents, which are really required by him to defend his case.



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7.No doubt, when any enquiry proceedings is initiated against an individual, he is entitled to know the basic documents, under which he is called upon for enquiry. But at the same time, seeking copies of the documents cannot be a reason to protract the proceedings. When the petitioner has been given with an opportunity to peruse the entire documents, he could have gone to the respondent office and perused the same. Even the respondent could have furnished the copies of the documents to the petitioner, when it is not voluminous. The non-furnishing of necessary documents cannot be made to put a break to the enquiry proceedings initiated against the delinquent employee.

8.In view of the above, I feel that it is appropriate to dispose of this writ petition by directing the petitioner to seek a short adjournment by appearing before the Enquiry Officer on the scheduled date of enquiry. On such request, the respondent shall consider to adjourn the matter to some other date and also to provide the copies of the documents required by the petitioner, if it is not voluminous. No costs. Consequently, connected miscellaneous petitions are closed.

25.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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R.N.MANJULA, J.

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