



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.19694 of 2024

and

W.M.P(MD)Nos.16689 & 16690 of 2024

A.Natarajan

... Petitioner

Vs.

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

2.The Deputy Registrar of Cooperative Societies,
Musiri Circle, Musiri,
Tiruchirappalli District – 620 020.

3.The Administrator,
R.641, Kadupatty Primary Agricultural Cooperative
Credit Society,
Kadupatty, Thottiyam Taluk,
Tiruchirappalli District.

4.The Administrator,
R.11104, M.Kalathur Primary Agricultural
Cooperative Credit Society,
M.Kalathur,
Thottiyam Taluk,
Tiruchirappalli District.

...Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records relating to the impugned charge Memorandum dated 26.03.2024 issued by the 4th respondent and the proceeding dated 30.03.2024 issued by the 3rd respondent and quash the same and consequently direct the respondents to disburse the retirement benefit such as Gratuity, Employees Provident Fund, Earned Leave Salary and all other monetary benefit payable to the petitioner within the time frame.

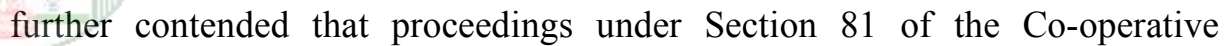
For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The instant writ petition has been filed by a Assistant Secretary working in the fourth respondent Co-operative Society, challenging a charge memo issued by the Administrator of the said Society.

2.According to the learned Counsel appearing for the writ petitioner, he belongs to the third respondent Society and he is working on deputation in the fourth respondent Society and instant charge memo has been issued by the Administrator of the fourth respondent Society. It is the further contention of the writ petitioner that only the parent Society can issue a charge memo and not the borrowed Society. The learned Counsel appearing for the petitioner has



In such circumstances, the charge memo ought not to have issued by the fourth respondent Society.

3. Per contra, the learned Special Government Pleader relying upon the counter had contended that the petitioner is working in the fourth respondent Society and therefore, the borrowed society is empowered to issue impugned charge memo. He further contended that since the charges as against the petitioner are serious in nature, the Court may not interfere in the charge memo.

4. I have carefully considered the submission made on either side and perused the materials available on record.

5.As could be seen from the affidavit and the impugned charge memo, factual disputes have been raised by the writ petitioner, for challenging the charge memo issued by the fourth respondent herein. As far as the factual disputes are concerned, it is for the enquiry officer to decide whether the petitioner is guilty of the misconduct or not. This Court, at this stage, cannot interfere, to quash the charge memo.



6.It is also brought to the notice of the Court that proceedings under Section 81 are statutory proceedings under the Tamil Nadu Co-operative Societies Act and therefore, a report of 81 enquiry proceedings shall be binding upon the disciplinary authority.

7.The petitioner having attained superannuation on 30.03.2024, the respondent authorities are directed to release only the Employee Provident Fund and Earned leave salary of the writ petitioner within a period of twelve weeks from the date of receipt of a copy of this order. The disbursement of the other benefits will depend upon the result of enquiry proceedings.

8.With the above said observations, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

01.10.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
RJR



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R.VIJAYAKUMAR, J.

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