



WP(MD)No.22296 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 14.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**WP(MD)No.22296 of 2022
and
WMP(MD)No.16486 and 16487 of 2022**

P.Kamaraj

... Petitioner

Vs

**1.The Regional Joint Registrar of Co-Operative
Societies / Common Cadre Service,
Dindigul District, Dindigul.**

**2.The President,
D.P.Preiakottai Primari Agricultural,
Co-Operative Credit Society
Periyakottai,
Ottanchathiram Taluk,
Dindigul District.**

**3.The President,
DD – 523, Chinnakalyamputhur Primary
Agricultural Co-Operative Credit Society,
Chinnakalayamputhur,
Palani Taluk, Dindigul District.**

... Respondents



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PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the records of the 1st respondent in his proceedings in Na.Ka.No. 2327/2019/VeSeS(Po.Pa.Ni) dated 07.09.2021 and quash the same as devoid of merits and consequently direct the respondents to retain the petitioner as Secretary in the 3rd respondent society and pay the arrears of salary.

For Petitioner : Mr.Ananth C.Rajesh

For Respondents : Mr.K.Balasubramani

Special Government Pleader

ORDER

The petitioner / the Secretary of the 2nd respondent Primary Agricultural Co-Operative Society, Dindigul has filed this writ petition as against the order of suspension dated 07.09.2021.

2.When this writ petition is taken up for hearing, the learned Special Government Pleader appearing for the respondents submits that the petitioner was placed under suspension, pending enquiry, now they have completed the enquiry under Section 82 of the Tamil Nadu Co-Operative Societies Act, 1987 and they have issued a charge memo for the



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delinquencies committed by the petitioner by initiating departmental proceedings. Therefore, the writ petition can be disposed of with a direction to the respondents to complete the departmental proceedings within a reasonable time.

3.The learned Counsel for the petitioner submits that this impugned charge memo dated 07.09.2021 has been issued with *mala fide*. The petitioner has earlier filed a writ petition as against the order cancelling his transfer order and therefore, he was placed under suspension. According to the learned Counsel for the petitioner, this petitioner was initially serving in the 2nd respondent society as a Secretary. By order dated 10.05.2021 he was transferred to the 3rd respondent society. The petitioner has also joined in the 3rd respondent society on 13.05.2021. While so, without any reason the 1st respondent by order dated 18.05.2021 cancelled the transfer order dated 10.05.2021. Since this petitioner has already joined in the 3rd respondent society on 13.05.2021, this petitioner has challenged the order dated 18.05.2021 before this Court in WP(MD)No.9536 of 2021. This Court has also entertained the writ petition and granted an order of interim stay on 26.05.2021. Since the petitioner has filed the writ petition as against the order of the 1st respondent, he was placed under suspension on



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31.05.2021, pursuant to the direction of the 1st respondent. This order of suspension was also challenged by the petitioner in WP(MD)No.10071 of 2021. This Court has entertained this writ petition also and granted an order of interim stay on 14.06.2021. While so he was advised on behalf of the 1st respondent to withdraw the writ petitions filed by him and they would recall the orders dated 18.05.2021 and 31.05.2021. Therefore the learned counsel claims that the petitioner has circulated a letter for withdrawal of those two writ petitions filed by him in WP(MD)Nos.9536 of 2021 and 1007 of 2021. After recalling the earlier suspension order dated 31.05.2021, the petitioner has been slapped with the present impugned suspension order dated 17.09.2021 levelling allegations of irregularities in the affairs of the 2nd respondent society. Therefore, the present charge memo is of *mala fide* and vindictive in nature.

4. The learned Special Government Pleader appearing for the respondents submits that the suspension order has been issued pending enquiry and now the enquiry is completed, charge memo is issued as against the petitioner and therefore, there is no reason to interfere with the suspension order. He further submits that if this Court directs, they would complete the enquiry within a stipulated time.



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

6.Admittedly the petitioner was issued with the suspension order on 31.05.2021 for some irregularities committed while he was serving in the 2nd respondent society. This order of suspension dated 31.05.2021 was issued based on the communication of the Deputy Registrar dated 28.05.2021 to the 1st respondent. The 1st respondent cancelled the order of transfer of this petitioner dated 10.05.2021, on 18.05.2021 within eight days that too after the petitioner joined in the 3rd respondent society on 13.05.2021. The petitioner has challenged the order dated 18.05.2021 cancelling the transfer order before this Court in WP(MD)No.9536 of 2021, this Court has also entertained the writ petition and granted an interim order.

7.The case of the petitioner is that since the petitioner has filed the writ petition before this Court in WP(MD)No.9536 of 2021, as against the order of the 1st respondent, on the direction of 1st respondent, the petitioner was placed under suspension by the order dated 31.05.2021. This order dated 31.05.2021 was also stayed by this Court in WP(MD)No.31.05.2021. Though the petitioner has obtained interim orders



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in both writ petitions, the writ petitions were withdrawn by him by circulating a letter dated 21.07.2021 that the matter has been amicably settled. Consequently the orders dated 18.05.2021 and 31.05.2021 appear to have been withdrawn by the respondents. Thereafter this impugned charge memo dated 07.09.2021 was issued as against the petitioner. The contents in the charge memo dated 31.05.2021 and the the contents in the charge memo dated 07.09.2021 are verbatim same. This impugned charge memo dated 07.09.2021 was issued without any reference to the earlier charge memo dated 31.05.2021. However the earlier charge memo dated 31.05.2021 was issued by referring to the communication of the Deputy Registrar. Therefore, this Court is of the opinion that the impugned charge memo has been issued with *mala fide* and is liable to be set aside.

8. Accordingly the impugned charge memo is set aside. The writ petition is allowed. No costs. Consequently connected miscellaneous petitions are closed.

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Internet : Yes / No

Index : Yes / No

DSK



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B.PUGALENDHI.J.,

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