



WEB COPY



W.P.No.3440 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2025

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.3440 of 2023

and

W.M.P.Nos.3507 & 3508 of 2023

K.Pazhani

.....

Petitioner

Vs

1.The Joint Registrar of Cooperative Societies,
Kallakurichi Region,
Kallakurichi,
Kallakurichi District.

2.The Deputy Registrar/Managing Director,
Tirukoilur Cooperative Urban Bank Ltd.
E.25/1975, No. 9, Market Street,
Tirukoilur- 605 757,
Kallakurichi District.

.....

Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution praying to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 2nd respondent in his proceedings No. Nil dated 19.01.2023 and quash the same and consequently directing the respondents to reinstate the petitioner into service along with backwages, with all attendant and future benefits and other monetary benefits to the petitioner.



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For Petitioner : Mr.V.P.Sengottuvel
Senior Counsel
for Mr.S.Natarajan

For R1 : Dr.S.Suriya
Additional Government Pleader

For R2 : Mr.R.Neethi Perumal

ORDER

This Writ Petition has been filed challenging the order dated 19.01.2023 passed by the second respondent, thereby removing the petitioner from service.

2.Heard the learned counsel appearing on either side and perused the materials available on record.

3.The petitioner was appointed as Sub Staff in the second respondent Bank on 25.05.1998. Subsequently, he was promoted to the post of Assistant Manager. While he was serving as Assistant Manager, the petitioner was served with a charge memo alleging that he had submitted a fake SSLC mark sheet to secure his appointment. An Enquiry Officer was appointed to conduct a domestic enquiry. Though the Enquiry Officer concluded that the petitioner had not forging the SSLC mark sheet, the

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Disciplinary Authority imposed the punishment of removal from service.

When the Enquiry Officer concluded that the charges are not proved and the Disciplinary Authority disagreeing with the conclusion, the Enquiry Officer ought to have been served with a show cause notice in this regard to call for explanation. Further, the show cause notice also contains the grounds for disagreeing the conclusion of the Enquiry Officer.

4. Admittedly, in this case, the petitioner was not served with any such show cause notice. He was issued a regular show cause notice along with Enquiry Officer's report. The petitioner submitted his explanation and it was not satisfactory in nature. Therefore, the petitioner was imposed with punishment of removal from service. On this sole ground, the impugned order cannot be sustained and is liable to be quashed.

5. Accordingly, the order dated 19.01.2023 passed by the second respondent, is hereby quashed. However, the respondents are at liberty to issue fresh show cause notice and pass final orders, after affording an opportunity of hearing to the petitioner, within a period of two weeks from the date of receipt of a copy of this order. The matter is remanded to the second respondent for issuance of fresh show cause notice for disagreeing

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the conclusion of the Enquiry Officer. After giving an opportunity to submit his explanation, the second respondent shall pass final orders within a period of four weeks from the date of receipt of the explanation.

6.In the result, this Writ Petition stands allowed. Consequently, connected miscellaneous petitions are closed. No costs.

19.11.2025

Index:Yes/No
Neutral Citation/Yes/No
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To

1.The Joint Registrar of Cooperative Societies,
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G.K.ILANTHIRAIYAN, J.

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