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WP No. 33631 of 2012



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-11-2025

CORAM

THE HONOURABLE MR.JUSTICE K. SURENDER

**WP No. 33631 of 2012
and MP.No.1 of 2012**

A.Poovendan

Petitioner(s)

Vs

1. The Additional Registrar Of
Cooperative Societies, E.V.R.High
Road, Kilpauk, Chennai-10

2.The Joint Registrar Of
Cooperative Societies/Chairman
Common Cadre Authority, Vellore
Region, Collectorate Complex,
Vellore.

3.The Special Officer
Devasthanam, Periyapettai,
Primary Agricultural Cooperative Bank,
Vaniyambadi Taluk, Vellore District.

Respondent(s)

PRAYER: This Writ Petition is filed under Article 226 of Constitution of India seeking Writ of to call for the records of the 1st respondent in his proceedings Na. Ka. No. 47521/ 2008/ Sa.Pa/1 dated 23.7.2009 by confirming that order of the 2nd respondent made in Na.Ka. No. 2011/ 2005/A.1 dated 13.2.2008 and quash the same and consequently direct the respondents to reinstate the petitioner in service with all attendant benefits

For Petitioner(s): M/s.S.Sairaman

For Respondent(s): Mr.V.Umakanth Ga for R1 To
R3



ORDER

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This Writ Petition is filed challenging the proceedings of the first respondent vide Na.Ka.No.47521/2008/Sa.Pa.1 dated 23.07.2009 and the confirmation order passed by the second respondent vide Na.Ka.No.2011//2005/A.1 dated 13.02.2008 and for direction to respondent to reinstate the petitioner in service with all attendant benefits.

2. The petitioner worked as a Secretary in the third respondent society since 1992. He was suspended on 02.03.2005 based on the allegations of irregular disbursement of loan. A Charge memo was issued on 14.05.2005 and 23 charges were levelled against him. A domestic enquiry was ordered on 20.03.2006.

3. The petitioner aggrieved by the suspension and not disbursing subsistence allowance, approached this Court by filing W.P.No.16151 of 2005. This Court by an order dated 28.03.2006, directed the respondents to pay the subsistence allowance and to complete the enquiry within a period of three months.

4. The petitioner was informed about the domestic enquiry being conducted. By representation dated 21.06.2007, the petitioner sought for



certified copies of the documents and requested permission to look into the original documents.

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5. Subsequently, he made another representation on 26.11.2007. In both the representations, the petitioner stated that since no witnesses were cited to be examined in the domestic enquiry and the domestic enquiry would be based on the documentary evidence, the documents need to be inspected and copies of necessary documents would be taken.

6. Insofar as the charges are concerned, 23 charges were framed against the petitioner, which pertains to the irregular or illegal disbursement of loans to several persons and the failure to maintain the registers of the society. Further allegations were also levelled regarding the making of false entries in the records of the society.

7. It is not disputed by the learned counsel for the respondent that the petitioner had given the representations dated 21.06.2007 and also 26.11.2007. It is also not in dispute that the petitioner appeared for the domestic enquiry that was conducted by the second respondent on 06.05.2006 and he did not appear for the enquiry on seven dates ie., on 27.06.2006, 11.07.2006, 30.08.2006, 14.12.2006, 02.06.2007, 03.06.2007 and 28.07.2007.



8. It is the case of the respondents that though notices were issued regarding the internal enquiry being conducted, the petitioner failed to appear for the enquiry on seven dates.

9. After the conclusion of the enquiry, the second respondent has passed the order vide dated 13.02.2008 in Na.Ka.No.2011/2005A.1. In the said proceedings all the 23 charges were discussed and the petitioner was found guilty of all the charges levelled against him.

10. Having gone through the findings of the second respondent, the following were not disputed by the learned counsel for the respondent.

- i. The petitioner was not present on seven dates when the enquiry has taken place.
- ii. Petitioner had sought for certified copies of the documents but were not provided.
- iii. No oral evidence was taken during the course of enquiry.

11. Upon examination of the findings of the second respondent, it is further revealed that the enquiry officer relied upon several documents to infer that the petitioner had fabricated certain entries in the records and failed to maintain the records properly. Further according to the enquiry officer, certain documents which ought to have been obtained from the loanees, were found to be missing.



12. It is unclear how the enquiry officer arrived at a conclusion regarding the writings of the petitioner in the documents that formed part of the enquiry; firstly, no certified copies were issued to the petitioner, and secondly, not a single witness was examined to substantiate that the writings in the documents were those of the petitioner. In the absence of any person acquainted with the petitioner's handwriting being examined regarding the entries made in the records or who has seen the petitioner making entries in such records, the finding that the entries in the said records were made by the petitioner cannot be accepted.

13. The learned counsel appearing for the petitioner in support of his contention has relied on the judgment of the Hon'ble Supreme Court in ***Satyendra Singh vs. State of Uttar Pradesh*** reported in (2024 INSC 873) and the relevant para is extracted hereunder:

“17. Thus, even in an ex-parte inquiry, it is sine quo non to record the evidence of the witness for proving the charges. Having tested the facts of the case at hand on the touchstone of the Rules of 1999, and the law as expounded by this Court in the cases of Roop Sing Negi and Nirmala J.Jhala, we are of the firm view that the inquiry proceedings conducted against the appellant pertaining to charges punishable with major penalty, were totally vitiated and non-est in the eyes of law since no oral evidence whatsoever was recorded by the department in support of the charges.”



14. The learned counsel for the respondent would submit that the acquittal of the petitioner in Criminal Revision before the High Court vide Crl.RC.No.1917 of 2007 is not based on merits and further the petitioner was given ample opportunity during the course of domestic enquiry.

15. When the learned counsel for the respondent was specifically questioned about the examination of witnesses during the course of domestic enquiry, the counsel conceded that no witnesses were examined.

16. Further, in the Criminal Revision case, the petitioner was acquitted on the ground that the prosecution could not prove entrustment to the petitioner. The charges in the criminal case and the domestic enquiry are entirely different. As submitted by the learned counsel for the petitioner, the criminal case has no relevance to the domestic enquiry.

17. However, it is evident that the petitioner was not furnished with documents before the enquiry and he failed to appear on seven enquiry dates, citing non-furnishing of documents required for domestic enquiry.

18. As already discussed, no oral evidence was adduced and no witness was examined during the domestic enquiry regarding the documents.



Further, the enquiry officer assumed that all the entries were made by the petitioner. The said finding is not substantiated by examining any witness nor the enquiry officer acquainted with handwriting of the petitioner who had made entries in the record.

19. For all the above reasons, the proceedings of the first respondent and the confirmation order passed by the second respondent deserves to be quashed.

20. Accordingly, this Writ Petition is allowed. The proceedings of the first respondent vide Na.Ka.No.47521/2008/Sa.Pa.1 dated 23.07.2009 and the confirmation order passed by the second respondent vide Na.Ka.No.2011//2005/A.1 dated 13.02.2008 are hereby quashed. The respondents are hereby directed to reinstate the petitioner in service with all attendant benefits as per rules within a period of the eight weeks from the date of receipt of copy of this order. The respondents are at liberty to conduct any enquiry by following the due procedure. There shall be no orders as to costs. Consequently, connected miscellaneous petition is closed.

K.SURENDER, J.
12-11-2025

Jai
Index: Yes/No
Speaking/Non-speaking order



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