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W.P.No.32539 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved On	25.03.2025
Pronounced On	20.06.2025

Coram:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.32539 of 2013

S.Prasath

...Petitioner

Versus

- 1.The Joint Registrar of Coop. Societies,
Villupuram Region, Villupuram.
- 2.The President (the then Special Officer),
Irumbai Primary Agricultural Co-op Credit Society,
Irumbai, Vanur Taluk,
Villupuram District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus to call for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.4539/2009/Sa.Pa dated 28.12.2012 and quash the same and consequently, direct the respondents to reinstate the petitioner in service as salesman in the 2nd respondent society with all attendance benefits, backwages and other monitor benefits.



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WEB COPY For Petitioner : Mr.C.Prabakaran
For Respondents : Mr.E.Vijay Anand,
Additional Government Pleader

ORDER

The relief sought in this writ petition is to quash the Order dated 28.12.2012 in Na.Ka.4539/2009/Sa.Pa (hereinafter referred to as “Impugned Order”) passed by the 1st Respondent and consequently, direct the Respondents to reinstate the Petitioner in service as Salesman in the 2nd Respondent Society with all attendant and other monetary benefits along with backwages.

2. By the Impugned Order, the 1st Respondent has rejected the Appeal filed by the Petitioner against the Order dated 15.04.2009 passed by the 2nd Respondent, terminating the service of the Petitioner, thereby, confirming the Termination Order dated 15.04.2009 of the 2nd Respondent.

3. The brief facts of the case are that the Petitioner was working as a Salesman in the Fair Price Shop No.I situated at Kottakuppam. The said



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Fair Shop was under the control of 2nd Respondent Society. While so, the 2nd Respondent suspended the Petitioner from service on 28.05.2008 stating that the Petitioner had involved in the illicit transportation of Ration Rice (BRSF 5,337 Kg, RRSF 290 Kg) (119 Bags each containing 50 Kg) from the Fair Price Shop.

4. It is in this background, the Petitioner was issued with a Charge Memo dated 11.08.2008 by the then Special Officer of the 2nd Respondent Society. The Charges framed against the Petitioner in the Charge Memo dated 11.08.2008 are as follows:-

Charge No.1:

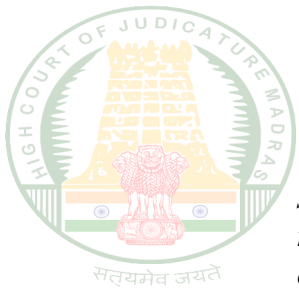
Thiru.S.Prasath has served as salesman in the Kottakuppam Fair price Shop No.I till 28.05.2008. Though he has signed in the attendance register kept in the head quarters of the society in token of attending office but he has not gone to the fair price shop and conducted any sales in the said fair price shop. Thus he has failed in the discharge of his duties and responsibilities.

Charge No.2 - Allegation No.1

Since the petitioner was arrested by the Food cell police for the illicit movement of Rice from the fair price shop, the fair price shop was closed for more than a week and to avoid the sufferings of the card holders, the shop was opened in the presence of public and secretary and other staff of the 2nd respondent society and during verification of book stock a deficit of Rs.13,166.50/- was noticed in the value of stock.

Charge No.2 - Allegation No.2

While the team of flying squad under the head of Special Tahsildar (civil



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supplies), Villupuram has verified the family cards with the drawal register on 29-05-2008 they have noticed that the petitioner has committed bogus bills in the issue essential commodities to the tune of Rs.4,945.60/-

Charge No.2 - Allegation No.3

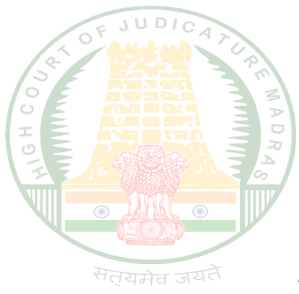
While the Special Tahsildar (civil supplies), Villupuram has verified the stock in the Kottakuppam Fair Price shop No.1 he has noticed and recorded the following rice deficit in the said shop.

1. BR/SF	5337 Kg	
2. RR/SF	290 Kg	

Total	5627 Kg	Value Rs.68,536.86 at Rs.12.18 Per Kg.

5. After the issuance of aforesaid Charge Memo, a domestic enquiry was conducted. Based on the enquiry report, the 2nd Respondent vide Termination Order dated 15.04.2009 bearing Na.Ka.No.1/2008 S.O, dismissed the Petitioner from service.

6. Aggrieved by the aforesaid Order dated 15.04.2009, the Petitioner filed a Revision Petition before the 1st Respondent. However, the said Revision Petition was rejected by the 1st Respondent vide Impugned Order dated 28.12.2012. Hence, left with no other alternative, the Petitioner has filed this writ petition for the relief stated *supra*.



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7. The learned counsel for the Petitioner submitted that the case of the Petitioner is that a false complaint was made against him and on the basis of which, he was arrested and proceeded under the Essential Commodities Act, 1955. It is therefore submitted based on the findings of the Enquiry Officer, the 2nd Respondent dismissed the Petitioner from service vide Termination Order dated 15.04.2009 which was also confirmed by the 1st Respondent vide Impugned Order dated 28.12.2012.

7.1. It is submitted that the alleged shortage of non-control items i.e., empty gunny bags, tea pockets and salt were not true and that the Petitioner was arrested on the basis of a false complaint lodged against him. It is also submitted that without any evidence, the 2nd Respondent Society and another employee had taken stock position and made a report against the Petitioner that the Petitioner caused deficit to the tune of Rs.13,166/- & Rs.4,955/-.

7.2. It is the further case of the Petitioner that the order passed by the District Revenue Officer under Section 6A of the Essential Commodities



Act, 1955 regarding the alleged illegal transportation of Ration Rice by the Petitioner, was stayed by this Court.

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8. On the other hand, defending the Impugned Order, the learned Additional Government Pleader for the Respondents submitted that the charges framed against the Petitioner are serious in nature. It is submitted that the Petitioner had simply marked his attendance in the Attendance Register, but, had not gone to the Fair Price shop and conducted any sales in the Fair Price Shop. Hence, it is submitted that the Charge No.1 framed against the Petitioner in the Charge Memo dated 11.08.2008 was proved.

8.1. Further, it is submitted by the Respondents that on verification of Book Stock, it was noticed that the Petitioner had caused a deficit of Rs.13,166.50/- to the 2nd Respondent Society. That apart, it is submitted that while a team of Flying Squad under the leadership of Special Tahsildar (Civil Supplies), Villupuram had verified the entries in the Family Cards with the drawal register on 29.05.2008, they had noticed that the Petitioner had prepared bogus bills to the tune of Rs.4,945/- as detailed below:-



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S.No.	Items	Quantity of Items in Kg/Litre
1	Rice	180 Kg
2	Sugar	100 Kg
3	Kerosene	137 Litre
4	Wheat	30 Kg
Total Value		Rs.4,945.60/-

8.2. The learned Additional Government Pleader for the Respondents submitted that as far as Charge No.2 – Allegation No.2 framed against the Petitioner is concerned, the entries in the 82 Family Cards were checked and verified by the Domestic Enquiry Officer in the presence of the Petitioner and the Petitioner had also accepted the false entries in the connected records. Hence, it is submitted that Charge No.2 – Allegation Nos.1 & 2 framed against the Petitioner in the Charge Memo dated 11.08.2008 was also proved.

8.3. It is further submitted by the Respondents that so far as Charge No.2 – Allegation No.3 is concerned, during verification of the stock in Fair Price Shop No.I at Kottakuppam, the Special Tahsildar (Civil Supplies), Villupuram had noticed that there is a deficit of 5,627 Kg Rice value around Rs.68,536.86/- in the said Fair Price Shop.



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8.4. It is also submitted by the Respondents that on 28.05.2008, when the Petitioner had indulged in the activity of illicit transportation of Rice from the Fair Price Shop, he was arrested by the Cuddalore Food Cell Police Officials. It is stated that the Petitioner has also accepted that he had committed the said offence.

8.5. Hence, it is submitted by the Respondents that all the charges framed against the Petitioner were proved. Therefore, it is prayed that this writ petition is liable to be dismissed.

9. By way of rejoinder, the learned counsel for the Petitioner submitted that the punishment of dismissal from service awarded to the Petitioner is disproportionate to the charges framed against the Petitioner in the Charge Memo dated 11.08.2008.

10. I have considered the arguments advanced by the learned counsel on either side and I have also perused the materials available on record.



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11. The facts on record indicate that the Petitioner was working as a Salesman in a Fair Price Shop which is under the control of 2nd Respondent. The Petitioner was not sincere in his duty. It is revealed that the Petitioner had frequently absented to duty.

12. In the present case, four charges have been levelled against the Petitioner by the 2nd Respondent Society vide Charge Memo dated 11.08.2008, out of which, Charge No.2 – Allegation No.3 is very serious in nature.

13. On 28.05.2008, the Petitioner had indulged in the activity of illicit transportation of 119 bags of Ration Rice from the Fair Price Shop at Kottakuppam. Hence, the Petitioner was arrested by the Cuddalore Food Cell Police Officials. The Petitioner has also accepted that the said offence was committed by him.

14. As far as Charge No.2 – Allegation No.3 is concerned, during verification of the stock in Fair Price Shop No.I at Kottakuppam, the Special Tahsildar (Civil Supplies), Villupuram had noticed that there is a



deficit of 5,627 Kg Rice value around Rs.68,536.86/- in the said Fair Price

15. The facts also indicate that the Petitioner had not only created bogus bills to the tune of Rs.4,945.60/- but also found profit from illegal sale of Ration Rice.

16. The Domestic Enquiry Officer had conducted a detailed enquiry and has filed the Enquiry Report stating that all the charges framed against the Petitioner vide Charge Memo dated 11.08.2008 were proved. The records also reveal that the Petitioner has been prosecuted under the provisions of Essential Commodities Act 1955, for the offences committed by him.

17. Disciplinary proceedings are not governed by the strict rules of evidences, but, by the Principle of Preponderance of Probabilities.

18. The Termination Order dated 15.04.2009 passed by the 2nd Respondent as well as the Impugned Order dated 28.12.2012 passed by the



1st Respondent show that the punishment of dismissal from service has been awarded to the Petitioner and the same has been sustained based on the aforesaid principle.

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19. Scope for interference by Courts in disciplinary proceedings is limited. The Courts are concerned only with the decision making process and not with the decision *per se*. Unless the punishment awarded is arbitrary or without any reasoning or disproportionate for misconduct proved, the Courts cannot interfere with a decision of the Disciplinary Authority. Only where the punishment imposed on a delinquent was either improper and/or shocks the conscience of the Court, the Courts can interfere.

20. The Petitioner has involved in illicit transportation of Ration Rice which was meant for distribution to the public through Fair Price Shop. The conduct of the Petitioner was reprehensible and unbecoming and therefore, warranted disciplinary proceedings.



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21. Considering the above facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court is of the opinion that there is no reason for it to interfere with either the Impugned Order dated 28.12.2012 passed by the 1st Respondent or the Termination Order dated 15.04.2009 passed by the 2nd Respondent. Hence, this Writ Petition is liable to be dismissed.

22. Accordingly, this Writ Petition is dismissed. No Costs.

20.06.2025

mrr

Index : Yes/No

Neutral Citation: Yes/No

Speaking Order (or) Non-Speaking Order

To

1.The Joint Registrar of Coop. Societies,
Villupuram Region, Villupuram.

2.The President (the then Special Officer),
Irumbai Primary Agricultural Co-op Credit Society,
Irumbai, Vanur Taluk,
Villupuram District.



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C.SARAVANAN, J.

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