



WEB COPY

WP No. 34889 of 2013



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-12-2025

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

**WP No. 34889 of 2013
& WMP No.11348 of 2018**

1. V.Balasubramaniam,
S/o.Velusamy,
Varaparathi Kadu,
Pollachi Taluk,
Coimbatore District-642 120

Petitioner(s)

Vs

1. The Registrar Of Cooperative
Societies, Chennai

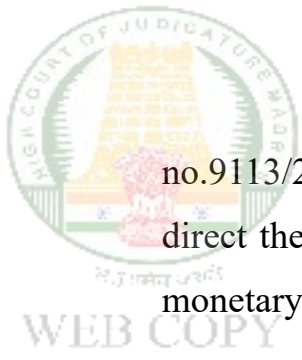
2.The Joint Registrar Of
Cooperative Societies,
Coimbatore Region, Coimbatore

3.The Special Officer,
Tp Spl.50, Senguttaipalayam Primary
Agricultural Cooperative Credit
Society,
Senguttaipalayam Po.,
Negamam Via., Pollachi Tk.,
Coimbatore-642 120

Respondent(s)

PRAYER:

This petition has been filed seeking for issuance of a Certiorarified Mandamus to call for the records on the file of the third respondent in connection with the order dismissing the petitioner from service in proceedings NIL dated 11.09.2012 and the order passed by the second respondent in revision petition



no.9113/2012/VA2 dated 19.08.2013 and quash the same and consequently, direct the respondents to reinstate the petitioner in service with all service and monetary benefits.

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

For Respondent(s): Mr.M.Muthusamy, GA for RR1
& 2
M/s. A.M.Ayyadurai, GA for R3

ORDER

The challenge in this writ petition is to the order dated 11.09.2012 passed by the third respondent dismissing the petitioner from service, and the order dated 19.08.2013 passed by the second respondent in Revision Petition No.9113 of 2012/V2, under Section 153 of the Tamil Nadu Co-operative Societies Act, confirming the order of dismissal.

2. The petitioner, while working as a Clerk in the third respondent society, was issued with a charge memo dated 12.05.2012. The charge against the petitioner was that, during his tenure as Clerk/Cashier, he had misappropriated the society's funds to the tune of Rs.14,02,439/-. The petitioner submitted his explanation denying the charges, which was found to be unsatisfactory. Thereafter, a departmental enquiry was initiated, and the Enquiry Officer, after



conducting the enquiry, submitted a report holding that the charge against the petitioner stood proved.

WEB COPY

3. The third respondent issued a second show cause notice calling upon the petitioner to submit his further explanation. In response, the petitioner challenged the findings of the Enquiry Officer and stated that the alleged misappropriated amount had not been reimbursed by his brother. The third respondent, after considering the enquiry report, passed the impugned order of dismissal. Aggrieved by the same, the petitioner filed a revision petition under Section 153 of the Tamil Nadu Co-operative Societies Act. The second respondent dismissed the said revision petition, confirming the order of dismissal passed by the third respondent. Challenging the same, the present writ petition has been filed.

4. The learned counsel for the petitioner submitted that the third respondent society had not examined any witnesses nor produced any documents to substantiate the allegation that the petitioner had misappropriated the society's funds. He further submitted that the petitioner's brother appeared before the Enquiry Officer and categorically denied having reimbursed the alleged misappropriated amount to the society. It was also contended that the



impugned order passed by the third respondent does not disclose any independent application of mind and that the order, having been passed without assigning reasons, is a non-speaking order, thereby violating the principles of natural justice.

5. Per contra, the learned counsel appearing for the third respondent submitted that the materials placed before the Enquiry Officer clearly established that the petitioner, while serving as Clerk/Cashier, had misappropriated the society's funds. It was further submitted that the petitioner had admitted his guilt, which is evident from the fact that his brother had reimbursed the misappropriated amount in the absence of the petitioner. Therefore, according to the learned counsel, the findings recorded by the Enquiry Officer and the impugned orders passed by the second and third respondents do not warrant interference by this Court.

6. The submissions advanced by the learned counsel on either side and the materials placed on record have been carefully considered.



7. Before the Enquiry Officer, the third respondent did not produce any documentary evidence to substantiate the allegation that the petitioner had misappropriated the society's funds. The Enquiry Officer proceeded to hold the petitioner guilty of the charges primarily on the ground that the petitioner's brother had reimbursed the alleged misappropriated amount to the society. However, the petitioner's brother appeared before the Enquiry Officer and submitted an explanation categorically stating that the petitioner had not misappropriated the society's funds. Ignoring the said explanation, the Enquiry Officer concluded that the charge against the petitioner stood proved.

8. A perusal of the order passed by the second respondent reveals that the disciplinary authority merely observed that the petitioner had participated in the enquiry and that, based on the statements and documents, the Enquiry Officer had submitted a report holding the charge to be proved. Except for recording the said observation, neither the disciplinary authority nor the revisional authority has independently applied its mind to the findings of the Enquiry Officer or to the further explanation submitted by the petitioner.

9. It is well settled that, to sustain an order of punishment in departmental proceedings, the foundational requirements are the issuance of a valid charge



memo, strict adherence to the principles of natural justice, independent application of mind by the disciplinary authority, and proportionality of punishment. Failure to comply with any of these requirements would vitiate the order passed by the disciplinary authority and render it liable to be quashed.

10. Except for the observation regarding the alleged reimbursement of the misappropriated amount by the petitioner's brother, there is no oral or documentary evidence on record to substantiate the charges against the petitioner nor reimbursement of the alleged misappropriated amount by the brother of the Petitioner . Further, the second respondent has failed to consider the petitioner's further explanation and has not assigned any reasons for accepting the enquiry report. In these circumstances, the impugned order passed by the third respondent is arbitrary and unsustainable in law and is liable to be set aside. The revisional authority, without considering these material aspects, has mechanically confirmed the order passed by the third respondent, and the same is also liable to be quashed.

11. Accordingly, this writ petition is allowed, and the impugned order dated 11.09.2012 passed by the third respondent, as well as the order dated



19.08.2013 passed by the second respondent in Revision Petition No.9113 of 2012/V2, are hereby set aside. The third respondent is directed to reinstate the petitioner in service with all consequential benefits. However, the petitioner shall be entitled to only 50% of the back wages from the date of dismissal till the date of actual reinstatement. The said exercise shall be completed within a period of three (3) months from the date of receipt of a copy of this order. No interest shall be payable. No costs. Consequently, the connected miscellaneous petition is closed.

17-12-2025

dn

Index: Yes/No

Internet: Yes

Neutral Citation: Yes/No



To

1.The Registrar Of Cooperative Societies, Chennai

2.The Joint Registrar Of Cooperative Societies, Coimbatore Region, Coimbatore

3.The Special Officer
Tp Spl.50, Senguttaipalayam Primary Agricultural Cooperative Credit Society, Senguttaipalayam Po., Negamam Via., Pollachi Tk., Coimbatore



WEB COPY

WP No. 34889 of 2013



HEMANT CHANDANGOUDAR, J.
dn

WP No. 34889 of 2013

17-12-2025