



W.P.No.10479 of 2025

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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 27.03.2025

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**THE HON'BLE MR JUSTICE C.V.KARTHIKEYAN**

W.P.No.10479 of 2025 &  
WMP.Nos.11798 & 11801 of 2025

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... Petitioner

-Versus-

- 1.The Joint Registrar of Co-operative Societies/  
Chairman of Common Cadre Authority,  
Salem Region, Salem.
  - 2.The Deputy Registrar of Co-operative Societies,  
Sankari, Salem District.
  - 3.The Administrator,  
S.877, Vellarivelli Primary  
Agriculture Cooperative Credit Society,  
Vellarivelli Post,  
Edappadi Taluk, Salem District.
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Certiorarified Mandamus to call for the records of the impugned dismissal order dated 26.09.2024 in Na.Ka.No.5863/2022 Ma.va passed by the first respondent and quash the same as it is against the principles of natural justice and consequently direct the 3<sup>rd</sup> respondent to reinstate the petitioner in service along with all benefits in the 3<sup>rd</sup> respondent Cooperative Society.



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*For Petitioner* : *Mr.R.Suryaprakash*  
*For Respondents* : *Mrs.M.Geetha Thamarai Selvan,*  
*1 & 2* *Special Government Pleader*  
*For Respondent 3* : *Mr.S.Jayachandran,*  
*Government Advocate*

### **ORDER**

The writ petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to an order dated 26.09.2024 in Na.Ka.No.5863/2022 /Ma.va passed by the first respondent, The Joint Registrar of Co-operative Societies / Chairman of Common Cadre Authority at Salem and quash the same. It is contended that the said order is against the principles of natural justice. The petitioner claims that he must be reinstated in service with all benefits in the 3<sup>rd</sup> respondent, Vellarivelli Primary Agriculture Cooperative Credit Society, Vellarivelli Post, Edappadi Taluk, Salem District.

2. In the affidavit filed in support of this writ petition, the petitioner had stated that he has been working as Secretary in the third respondent Cooperative Society from 01.02.2013. He stated that an enquiry had been initiated under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 by the Deputy



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Registrar of Co-operative Societies, Sankari Circle, Salem District on

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3. The first respondent then issued a charge memo on 11.07.2022, wherein it had been alleged that the petitioner had made false expenses entries in the day book of the third respondent Society, thereby caused a shortage of Rs.1,91,52,132/- and also credited sale proceeds of fertilisers and therefore, had misappropriated a sum of Rs.63,35,163/- and further created forged loan documents in the names of 76 members of the Society without disbursing the loan and thereby misappropriated a further sum of Rs.62,79,000/- and further out of 300 members, 27 members had stated before the Enquiry Officer that they had received only part of the loan amount and therefore, it had been alleged that there was a further misappropriation of Rs.6,76,503/- and further it had been alleged that share amounts from the borrowers have not been collected by the petitioner. These were the specific charges against the petitioner herein.



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4. The enquiry proceeded after much delay and much after efforts were initiated by the respondents. An explanation was given by the petitioner herein and the enquiry finally concluded culminating into an order which is now questioning in the Writ Petition.

5. The enquiry report was dated 26.09.2024 nearly about 6 months before. In the enquiry report, the explanation given by the petitioner had been referred in reference No.14. Enquiry had been conducted in a proper manner and each charge had been examined and laid out and thereafter, explanation of the petitioner for each charge had been further examined. List of individuals who were given dividend have also been noted down. Thereafter, the conclusion and the finding of the Enquiry Officer with respect to each one of the charges had been stated. Therefore, there is no question of violation of principles of natural justice.

6. In the enquiry report itself, it had been stated that if the petitioner so desires, he could file an appeal before the Registrar of Cooperative Societies. It is not known why the petitioner had not taken resort to that alternate remedy which is available to him under G.O(Ms.).No.14, Co-operation, Food and Consumer Protection (CN1) Department dated 12.02.2019.

7. In the affidavit filed, the petitioner had stated that he has no alternate



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remedy, which statement is obviously false to the knowledge of the petitioner.

There is an alternate remedy. The petitioner has to exhaust that particular alternate remedy. If an appeal is filed beyond the period of limitation in taking resort to the alternate remedy, the petitioner has to give necessary explanation for the delay. He may file an appeal with delay, which delay he has to explain and it is prerogative of the appellate authority to either accept or reject the reasons for the delay. But I am not prepared to entertain the writ petition and the court cannot sit as a court of facts examining each and every aspects raised. It is a prerogative of the appellate authority.

8. The Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

27.03.2025

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Index : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes/No

To

1.The Joint Registrar of Co-operative Societies/  
Chairman of Common Cadre Authority,  
Salem Region, Salem.

2.The Deputy Registrar of Co-operative Societies,  
Sankari, Salem District.

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3. The Administrator,  
S.877, Vellarivelli Primary  
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Vellarivelli Post, Edappadi Taluk, Salem District.

**C.V.KARTHIKEYAN, J.**

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