



W.P.No.24693 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

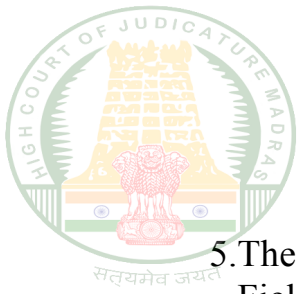
W.P.No.24693 of 2018 and
W.M.P.No.28731 & 28732 of 2018

S.Selvakumar

... Petitioner

Vs.

- 1.The Registrar of Co-operative Societies,
Kilpauk, Chennai 600 010.
- 2.The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar of Co-operative
Societies, Dharmapuri Circle,
Collectorate Complex,
Dharmapuri.
- 3.The Joint Registrar of Co-operative Societies,
Office of the Deputy Registrar of Co-operative
Societies, Dharmapuri Circle,
Collectorate Complex,
Dharmapuri.
- 4.The President,
S-994, Kalappanahalli Primary
Agricultural Co-operative Credit Socceity,
Kuppangarai Post,
Karimangalam Taluk,
Dharmapuri District.



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5. The Co-operative Sub Registrar / Special Officer,
Field Officer, Karimangalam Circle,
Karimangalam,
Dharmapuri District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned Enquiry Notice of the second respondent in Na.Ka.6683/2017/Tho.Sa 2 dated 20.07.2018 and quash the same.

For Petitioner : Mr.C.Prakasam
For Respondents : Mr.M.Muthusamy, GA for RR1 to 3, 5
Mr.M.Thirumoorthy for
Mr.L.P.Shanmugasundaram for R4

ORDER

This Writ Petition has been filed to call for the records relating to the impugned Enquiry Notice of the second respondent in Na.Ka.6683/2017/Tho.Sa 2 dated 20.07.2018 and quash the same.

2. Heard Mr.C.Prakasam, learned counsel for the petitioner, Mr.M.Muthusamy, learned Government Advocate for RR1 to 3, 5 and Mr.M.Thirumoorthy, learned counsel for R4 and perused the materials available on record.

3. The petitioner was working as a Secretary in the fourth respondent Society. The fourth respondent has suspended the petitioner



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on 01.08.2015 on the allegation of misappropriation of the funds of the Society. Hence, the proceedings has been issued under Section 81 of the Tamil Nadu Co-operative Societies Act. Based on the 81 enquiry report, the disciplinary proceedings have been initiated and thereafter, the final order has been passed on 26.02.2018 by the fourth respondent by imposing the punishment of withholding the increment for three years with cumulative effect. Now, the grievance of the petitioner is that the impugned order has been passed on 20.07.2018 to make a fresh enquiry under Section 81(4) in respect of some other entries which have been omitted to be stated in the earlier order passed for enquiry.

4. The learned counsel for the petitioner submitted that the issue that has been raised in the present impugned notice is also one and the same of the earlier notice and hence, it is illegal.

5. The learned Government Advocate for the respondents 1 to 3 and 5 submitted that an interim order has been passed even while pending the Writ Petition to continue 81 enquiry during the pendency of this Writ Petition.



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6. On perusal of the impugned order dated 20.07.2018, it is seen that the above enquiry relates to some of the deficiency found and on which, an enquiry is required. It is not the contention of the petitioner that the very same allegations have been raised earlier also and that form part of 81 enquiry. But according to the petitioner, the entire issue has been covered in the earlier enquiry itself. In such case, it is upto the petitioner to offer explanation as to why further 81 enquiry shall not be conducted in respect of the specific issues raised in the impugned order.

7. As the enquiry has not been stayed even during the pendency of the Writ Petition, I feel the enquiry should be allowed to continue, however by giving opportunity to the petitioner to produce records to show that he had repaid the entire balance and that the accounts have been tallied. The petitioner has rushed to the Court even before 81 enquiry in respect of the omitted aspects have been initiated. Hence, the petitioner is given with the liberty to participate in the 81 enquiry and offer his explanation before the appropriate forum. As the ordering of 81 enquiry is within the jurisdiction of the appropriate authority who is a



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rightful person to decide whether there is a further scope for 81 enquiry, what can be requested by the petitioner is to give him sufficient opportunity to make his explanation, in case the very same aspects have already been covered in the earlier enquiry.

8. With these observations, this Writ Petition is disposed and the petitioner is at liberty to submit an explanation to the second respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the explanation submitted by the petitioner, the second respondent is directed to complete the enquiry and pass orders by considering the materials submitted by the petitioner, within a period of six weeks thereafter. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

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R.N.MANJULA, J.

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