

W.P. No.22409 of 2019

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2025

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. No.22409 of 2019 and
W.M.P. Nos.21758, 21763 & 21770 of 2019

Shanmugarajan @ A.Shanmugaraj

... Petitioner

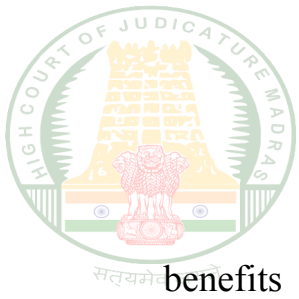
Vs

1.The Joint Registrar of Co-Operative Societies
Chennai Region
No.92, St. Mary's Road
Raja Annamalaipuram
Chennai

2.The Joint Registrar/Managing Director
Triplicane Urban Co-Operative Society Ltd
No.156, Big Street, Triplicane
Chennai - 5

... Respondents

Prayer: Writ petition filed under Article 227 of the Constitution of India for a writ of certiorarified mandamus calling for the entire records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.No.192/10/E2/Office Order No.319 dated 18.06.2019, quash the same and consequently direct the respondents to disburse petitioner's retirement



W.P. No.22409 of 2019

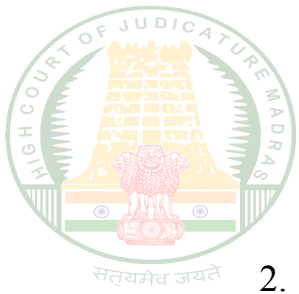
benefits like gratuity, general provident fund, special provident fund, encashment of earned leave and encashment of un-earned leave on private affairs to the petitioner by taking note of Sections 78 and 79 of Tamil Nadu Co-Operative Societies Act.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.M.Muthusamy,
Government Advocate for R1
Mr.L.P.Shanmugasundaram for R2

ORDER

The petitioner has filed this writ petition to call for the entire records relating to the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No.192/10/E2/Office Order No.319 dated 18.06.2019, quash the same and consequently direct the respondents to disburse petitioner's retirement benefits like gratuity, general provident fund, special provident fund, encashment of earned leave and encashment of un-earned leave on private affairs to the petitioner by taking note of Sections 78 and 79 of Tamil Nadu Co-Operative Societies Act and for further orders.



W.P. No.22409 of 2019

WEB COPY

2. The learned counsel appearing for the petitioner submitted that the petitioner was dismissed on 18.06.2019 in view of certain charges proved against him on the allegations that he has produced bogus educational qualification certificates. Learned counsel for the petitioner submitted that the petitioner had very much in his possession the educational qualification certificate and there is no necessity for him to produce bogus certificate. It is the further case of the petitioner that action has been initiated against the petitioner only after 27 years. The qualification recommended for the post of Attender is only 5th standard and the petitioner has studied up to 7th standard and he is having in his possession the educational qualification certificate to show that he is 8th standard discontinued.

3. The learned counsel appearing for the second respondent submitted that on the enquiry conducted on the certificates produced by the petitioner, it came to be known that the petitioner has produced bogus certificates and in fact the petitioner himself has admitted that the Transfer Certificate submitted by him is a fabricated document. Even though the educational qualification for the post of Attender was 5th standard, the petitioner opted to produce the Transfer Certificate obtained by him by adopting some short-cut methods. The

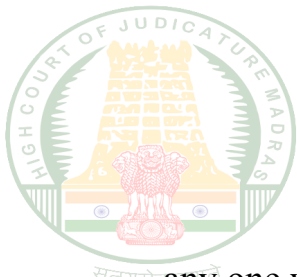


W.P. No.22409 of 2019

WEB COPY

respondents cannot have any motive against the petitioner to state that the petitioner has produced certain certificates falsely. It is common knowledge that whenever someone joins in the post, he/she needs to produce the certificate showing his/her educational qualification and the date of birth, etc. The petitioner might have his original certificate showing that he is 8th discontinued at St. Sebastian's Middle School, Vembar, he could have opted to get the certificate from the said school at the time of joining and produced it before the authorities concerned. For the reasons best known to the petitioner, he did not resort to that course, but managed to obtain certain certificates and produced before the authorities.

4. The materials available on record would show that the petitioner had produced a false certificate which was not issued by the school authorities mentioned therein. After having done a thorough investigation and making enquiries with the concerned and after giving an opportunity to the petitioner, it has been concluded in the enquiry that the certificate produced by the petitioner at the time of joining is a false and fabricated one. Showing sympathy to the petitioner, who had tried to defraud by producing fabricated documents would be only a misplaced sympathy. If any sympathy is shown to the petitioner, then



W.P. No.22409 of 2019

WEB COPY

any one who joins the public service is emboldened to produce false certificates with a belief that their services would not be disturbed till the point close to their retirement and that they will be rewarded with all terminal benefits. As the charges levelled against the petitioner has been proved with acceptable documents and the petitioner has not established any ground to show any lenience or sympathy in the matter of punishment and the punishment imposed also does not appear to be disproportionate to the seriousness of the charges, I do not find any reason to invoke the jurisdiction under Article 226 of the Constitution of India to interfere with the impugned order.

5. Accordingly, the writ petition is dismissed. However, there is no order as to costs. Consequently, the connected writ miscellaneous petitions are closed.

28.02.2025

Index : Yes / No
Neutral Citation : Yes / No
Asr



WEB COPY



W.P. No.22409 of 2019

R.N.MANJULA, J.

Asr

To

1.The Joint Registrar of Co-Operative Societies
Chennai Region
No.92, St. Mary's Road
Raja Annamalaipuram
Chennai

2.The Joint Registrar/Managing Director
Triplicane Urban Co-Operative Society Ltd
No.156, Big Street, Triplicane
Chennai - 5

W.P. No.22409 of 2019 and
W.M.P. Nos.21758, 21763 & 21770 of 2019

28.02.2025