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W.P.No.29509 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2025

**CORAM
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN**

**W.P.No.29509 of 2025
and
W.M.P.Nos.33065 & 33066 of 2025**

S.Sankar

... Petitioner

Vs.

1. The Chairman,
Common Cadre Authority/
Joint Registrar of Cooperative Societies,
Tiruvallur Region, Tiruvallur,
Tiruvallur District.
2. The Deputy Registrar of Cooperative Societies,
Ponneri Circle, Ponneri,
Tiruvallur District.
3. The Administrator,
J.J.110, Minjur Primary Agricultural
Co-operative Credit Society,
Minjur - 601 203, Ponneri Taluk,
Tiruvallur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, seeking for an issuance of writ of certiorari, to call for the entire records relating to the impugned order passed by the 1st respondent Na.Ka.No.Ka.5291/2023 Po.Pa.Ku, dated 29.05.2025 and quash the same.

For Petitioner : Mr.C.Prakasam



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For Respondent : Mrs.E.Ranganayaki
Additional Government Pleader for R1 & R2

: Mr.D.Ravichandran
Special Government Pleader for R3

ORDER

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. The present writ petition is filed challenging the charge memorandum issued by the 1st respondent in proceedings dated 29.05.2025 and quash the same.

3. The case of the petitioner is that, the petitioner was initially appointed as Clerk in the 3rd respondent Society on 27.10.1993 and thereafter, promoted to the post of Secretary on 01.03.2018. While so, due to some false complaint against the employees of the 3rd respondent Society, the 2nd respondent ordered enquiry and the enquiry Officer has also submitted his report before the 2nd respondent. Pursuant thereto, the 1st respondent issued suspension order to the petitioner vide proceedings



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Na.Ka.No.2950/2022 Po.Pa.Ku, dated 18.05.2022. Thereafter, the 1st respondent issued the impugned charge memorandum to the petitioner dated 29.05.2025, which according to petitioner is against the Circular issued by the Registrar of Cooperative Societies, dated 10.06.2022. Hence the petitioner has submitted a representation to the 1st respondent dated 09.06.2025 and the same was kept pending.

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4. The defence put forth by the learned Counsel for the petitioner against the charge memorandum is that, the respondent did not follow the time line provided under the Circular issued by the Registrar of Cooperative Societies, Kilpauk dated 10.06.2022.

5. At this juncture, the learned Special Government Pleader would submit that the petitioner has already submitted his explanation in pursuance to the charge memorandum dated 29.05.2025 and the Circular is only directive in nature and any breach in time line will no way enure any benefit to the petitioner. Therefore, he would contend that the writ petition has to be dismissed.



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6. I have given my anxious consideration to the submission of the learned Counsel on either side.

7. A writ against Charge Memorandum can be entertained, if it is issued by an incompetent Authority having no jurisdiction or tainted with the allegations of malafides.

8. In the present case, the only ground raised by the petitioner is that, the respondent has violated the time line provided under the Circular dated 10.06.2022. Though, there is a violation to the Circular, this Court is of the firm view that the very breach in the time line will no way bar the Authority from issuing the impugned charge memorandum and the Circular must be taken into consideration only as directive in nature and not mandatory. Therefore, this Court do not find any merits in the writ petition.

9. At this juncture, the learned Counsel appearing for the petitioner brought to the notice of this Court about the order pass by this Court in W.P.No.11563 of 2025 dated 17.04.2025, directing the respondents to pass final order within a period of eight (8) weeks from the date of receipt of a



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copy of this order.

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10. However, the learned Additional Government Pleader would submit that the above writ petition relates to some other disciplinary proceedings.

11. In view thereof, without going into the merits of the matter, this Court deems it appropriate to direct the 1st respondent to consider the petitioner's representation dated 09.06.2025 and pass orders on it's own merits and in accordance with law within a period of eight (8) weeks from the date of receipt of a copy of this order.

In the result, the Writ Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

06.08.2025

veda

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

To

1. The Chairman,
Common Cadre Authority/



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Joint Registrar of Cooperative Societies,
Tiruvallur Region, Tiruvallur,
Tiruvallur District.

2. The Deputy Registrar of Cooperative Societies,
Ponneri Circle, Ponneri,
Tiruvallur District.
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C.KUMARAPPAN, J.

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