



W.P.No.29676 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2025

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.29676 of 2025

and

W.M.P.Nos.29283 and 29285 of 2023

J. Jayalakshmi

.. Petitioner

Versus

1.The Joint Registrar of Co-operative Societies,
Office of the Joint Registrar of Co-operative Societies,
4th Floor, District Collectorate,
Tiruppur – 641 604.

2. The Sub Registrar of Co-operative Societies,
Avinashi Circle, Tiruppur District.

3. K.248, Karunaipalayam Primary Agricultural
Co-operative Credit Society,
Rep., by its Secretary,
Karunaipalayam,
Velayuthmpalayam Post,
Avinash Taluk, Tiruppur District.

4. Thiru M.Ramakrishnan

...Respondents

Prayer: This petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus Calling for the



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records relating to the Resolution No.1 of the Meeting dated 17.07.2023 of the 3rd respondent and the subsequent proceedings of order of dismissal from service of the 3rd respondent dated 17.07.2023 and quash the same and order that the petitioner is deemed to be continuing in service in the post of Weight Woman with effect from the date of dismissal from service in the Kasigoundanpudur Fair price shop and salary from the date of the order with and consequential continuity of services, attendant benefits, service benefits such as promotion on par with juniors together with monetary benefits and disburse all the arrears within the time frame fixed by this Court and pass orders.

For Petitioner : Mr.K. Rajendra Prasad

For Respondents 1 -3 : Mr. P.Ganesan, GA

For Respondent – 4 : Mr.K. Sudhakar

ORDER

This writ petition is filed seeking to issue a Certiorarified Mandamus Calling for the records relating to the Resolution No.1 of the Meeting dated 17.07.2023 of the 3rd respondent and the subsequent proceedings or order of dismissal from service of the 3rd respondent dated



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17.07.2023 and quash the same and order that the petitioner is deemed to be continuing in service in the post of Weight Woman with effect from the date of dismissal from service in the Kasigoundanpudur Fair price shop and salary from the date of the order with and consequential continuity of services, attendant benefits, service benefits such as promotion on par with juniors together with monetary benefits and disburse all the arrears within the time frame fixed by this Court and pass orders.

2.The facts of the case is that the petitioner is working as Sales woman in the 3rd respondent society. It is seen that on inspection it is found that there was some shortage in stocks, due to which proceedings were issued imposing penalty to the petitioner. Pursuant to which disciplinary proceedings were initiated against the petitioner and charge memo was issued on 01.07.2022 and the petitioner has also given her explanation. As the explanation was not satisfactory the 3rd respondent sought for further explanation from the petitioner and the petitioner also submitted the explanation. Pursuant to which enquiry was conducted and



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the petitioner also appeared for enquiry on 28.04.2023. The sum and substance of the case is that the disciplinary authority without communicating the copy of the enquiry report had called for an explanation on the findings of the enquiry officer's report on 22.05.2023. Thereafter the 3rd respondent without straight away passed the impugned order on 17.07.2023 suspending the petitioner from the services. Aggrieved over the same the petitioner has come up with this petition.

3. The learned counsel for the petitioner submitted that inspite of the fact that the petitioner has made a representation to the 3rd respondent on 28.04.2023 along with a annexure mentioning the list of documents, which is necessary, the respondents have not given the necessary documents to give explanation to the charge memo. It is also pertinent to note that initially the petitioner was imposed with a penalty for the shortage of stocks and she has also paid the penalty, thereafter they have initiated disciplinary proceedings which culminated into issuance of suspension order, which is not fair. Hence, prays to allow this petition.



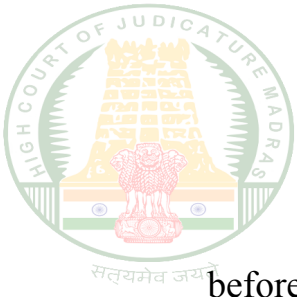
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4. The learned Government Advocate filed a counter wherein it was stated that the writ petition itself is not maintainable for the reason that the petitioner has an effective alternative remedy by way of revision challenging the order of the 3rd respondent dated 17.07.2023 before the first respondent under Section 153 of the Tamil Nadu Cooperative Societies Act, 1983. Hence, prays to dismiss this petition.

5. Heard both sides and perused the materials available on record.

6. The core contention of the petitioner is that the respondents have not provided with the documents which the petitioner is relied upon to give the explanation, in order to defend her case. Per Contra, the learned Government Advocate appearing for the respondents submitted that the documents which are relied upon by the petitioner is not necessary to give explanation for the said charge memo. In view of the said fact, this Court directs the respondents to furnish the documents which are relied upon by the petitioner on or before 7th March, 2025 and on receipt of the same, the petitioner is directed to give explanation on or



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before 28th March,2025. The respondents are further directed to complete the enquiry on or before 28th April ,2025 and pass appropriate orders on or before 30th May , 2025. If the petitioner succeeds in the disciplinary proceedings, she can state her claim about the re-instatement and if fails may prefer Revision before the 3rd respondent.

7.With the above directions, this Writ Petition stands disposed of. No order as to costs. Consequently, the connected miscellaneous petition is closed.

12.02.2025

Speaking order : Yes/No

Neutral citation : Yes/No

Index : Yes/No

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To

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