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W.P.No.29375 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.29375 of 2023

and

W.M.P.Nos.29006, 29007 and 29008 of 2023

R. Ameerhyderkhan

... Petitioner

Versus

1.The Chairman,

Common Cadre Authority /

Joint Registrar of Cooperative Societies,

Mayiladuthurai Region, Mayiladuthurai,

Mayiladuthurai District. (Previously Nagapattinam Region)

2.The Deputy Registrar of Cooperative Societies,

Mayiladuthurai Circle, Mayiladuthurai,

Mayiladuthurai District.

3.The Administrator,

ZB-65 Elanthoppu Primary Agricultural

Cooperative Credit Society,

Elanthoppu Village & Post,

Mayiladuthurai Taluk & District.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India, prayed to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.No.216/2023/A.1, dated 23.08.2023 and quash the same and with backwages, attendant benefits and other monetary benefits to the petitioner.

For Petitioner : Mr. C. Prakasam

For Respondents : Dr. S. Suriya,
Additional Government Pleader.

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ORDER

This Writ petition has been filed challenging the order passed by the first respondent dated 23.08.2023, whereby the petitioner was removed from his service.

2. The petitioner was appointed as a Clerk in the year 1989 and subsequently, he was promoted to the post of a Senior Clerk and later to the post of Secretary. While so, the petitioner was served with a charge memo calling upon him to submit his explanation. The petitioner submitted his explanation, and not being satisfied with the same, a domestic enquiry was conducted. The charge memo was served with 13 charges, out of which 12 charges were held proved, and two show-cause notices were thereafter issued to the petitioner. Upon receipt of his explanation, the petitioner was removed from service by order dated 23.08.2023.

3. The learned counsel for the petitioner submitted that no loss was caused to the Cooperative Society, and that the misappropriated amount had been disbursed to other members. It is further submitted that certain members attempted to give statements before the domestic enquiry officer and the third respondent, but since they were not permitted, they sent their statements



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through registered post. Therefore, the petitioner disputed the charges. It is also contended that the petitioner was not paid subsistence allowance during the period of suspension, nor was he paid salary.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents, and also perused the materials available on record.

5. On perusal of the counter filed by the first respondent and the submissions made on both sides, it is seen that the petitioner was given an opportunity to appear for the enquiry under Section 81 of the Tamil Nadu Cooperative Societies Act, 1983. After completion of the enquiry under Section 81 of the Act, disciplinary proceedings were initiated against the petitioner. Based on the said findings of the enquiry, a surcharge notice under Section 87 of the Act was issued. Aggrieved by the surcharge order, the petitioner's daughter filed a W.P. No.40960 of 2025 and the same was also dismissed by this Court order dated 10.11.2025.

6. That apart, the petitioner had committed very serious irregularities involving misappropriation of a huge amount belonging to the Cooperative Society. There were sufficient materials to substantiate the charges, and the

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domestic enquiry officer held that 12 out of 13 charges stood proved.

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7. Further, the petitioner had duly received subsistence allowances by way of cheque, but he did not receive or encash the same. Hence, the non-payment of subsistence allowance cannot be a ground to interfere with the punishment imposed. The competent authority has now concluded that 12 out of 13 charges are proved. Moreover, surcharge proceedings have culminated in an order confirming the liability, which has also been upheld by this Court in W.P.No.40960 of 2025 dated 10.11.2025.

8. Therefore, unless the impugned order is shown to be illegal, without jurisdiction, or in violation of the principals of natural justice, this Court cannot interfere. The petitioner has not made out any valid grounds for interference with the order passed by the first respondent.

9. In view of the above, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are also closed.

18.11.2025

Index : Yes/No
Speaking/Non-Speaking Order
Neutral Case Citation : Yes/No
klt



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