



W.A No. 1336 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-09-2025

CORAM

THE HON'BLE MR JUSTICE R.SURESH KUMAR

AND

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

W.A No. 1336 of 2023

And

CMP.No. 13092 of 2023

S-1223, Chandrasekarapuram Primary
Agricultural Cooperative Credit Society,
Rep by its Secretary,
Chandrasekarapuram P.O,
Rasipuram Taluk,
Namakkal District -637401

..Appellant

Vs

1. State of Tamil Nadu
Rep by Secretary, Cooperative Department,
Fort St. George, Chennai.

2.The Registrar of Cooperative Societies
170, Periyar EVR Salai,
Kilpauk, Chennai-600010.



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3.The Joint Registrar of Cooperative Societies,
Collectorate,
Namakkal.

4.Loganathan,

5.S.Radha

..Respondents

Writ Appeal is filed under Clause 15 of Letter Patent to set aside the
order dated 20.07.2021 passed in W.P.No. 28548 of 2017.

For Appellant: Mr.B.Tamil Nidhi

For Respondents : Mrs. E.Ranganayaki, AGP - R1 to R3

Mr J.Srinivasa Mohan

For M/s. TVJ Associates – R5

No appearance - R4

JUDGMENT

(Made by ***HEMANT CHANDANGOUDAR, J.***)

This intra-Court appeal assails the order dated 20.07.2021 passed by the learned Single Judge in W.P. No. 28548 of 2017. By the said order, the order of dismissal passed by the appellant against the 5th respondent/writ petitioner was set aside, and the appellant-society was directed to pay all consequential monetary and service benefits arising therefrom.



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2. The 5th respondent/writ petitioner, while serving as Secretary of the appellant-society, was issued a charge memo dated 27.05.2015. An enquiry was thereafter conducted, and a report was submitted holding that the charges stood proved. The appellant-society, after considering the enquiry report and the explanation offered, passed an order dismissing the 5th respondent/writ petitioner from service. The learned Single Judge, however, set aside the order of dismissal and passed the impugned order. Aggrieved thereby, the present writ appeal has been filed.

3. Mr. B. Tamil Nidhi, learned counsel for the appellant submitted that one Mr. Loganathan, then President of the society, had issued the charge memo and also passed the order of dismissal. He had also participated in the enquiry proceedings as a witness on behalf of the management, since the 5th respondent had requested that the President be examined. On that request, the Enquiry Officer summoned the President. Therefore, it cannot be said that the enquiry was vitiated merely because the President had participated in the proceedings. It was further contended that if this Court ultimately affirms the order of the learned Single Judge, the 5th respondent/writ petitioner is not entitled to arrears

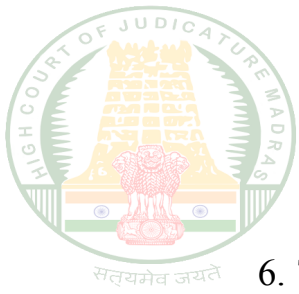


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of salary on the principle of “no work, no pay.”
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4. Per contra, Mr. J. Srinivasa Mohan, learned counsel for the 5th respondent/writ petitioner submitted that the then President was summoned because, during cross-examination of the management representative, when a question was posed as to why the President had refused to accept the delinquent’s leave application for medical treatment, the management representative answered that the delinquent had to approach the President. In that context, the President was summoned. The learned counsel argued that it was the duty of the management representative to answer the question put in cross-examination, and the involvement of the President in the proceedings, despite being the authority who issued the charge memo and dismissal order, vitiated the entire enquiry.

5. We have heard the submissions made by the learned counsel for both parties and have perused the materials placed on record.

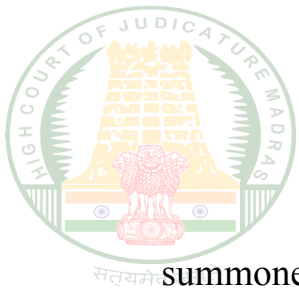


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6. The learned Single Judge has rightly observed that the original charge memo dated 27.05.2015 and the punishment order dated 30.01.2016, dismissing the 5th respondent/writ petitioner from service, were both issued by Mr. Loganathan, then President of the society. The learned Single Judge further noted that the enquiry report dated 04.12.2015 itself shows that the same person, namely Mr. P. Loganathan, acted as a witness on behalf of the management. The learned Single Judge, at paragraphs 8 and 9 of the impugned order, referred to the settled proposition of law that “no man can be a judge in his own cause”, as reiterated by the Hon’ble Supreme Court in *Mohd. Yunus Khan v. State of Uttar Pradesh and Others*, (2010) 10 SCC 539. The Supreme Court held that initiation of disciplinary proceedings, participation as a witness, acceptance of the enquiry report, and imposition of punishment by the same authority is impermissible in law and a flagrant violation of the principles of natural justice.

7. Furthermore, the President of the Cooperative Society was summoned only when the Management Representative, in response to a suggestion that he was not aware whether any leave application had been submitted to the President, stated that the respondent–writ petitioner may put the same question to the President. In that context, the President of the Cooperative Society was



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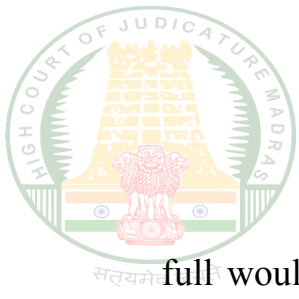
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summoned, and such summoning was solely at the instance of the Management Representative.

8. In view of the aforesaid settled legal position, the learned Single Judge concluded that the action initiated by the President of the co-operative society, his participation as a witness in the enquiry, and his subsequent acceptance of the enquiry report and imposition of punishment, was impermissible in law. Consequently, the order of dismissal was held to be null and void.

9. We find no infirmity in the conclusion of the learned Single Judge that the enquiry proceedings and the consequential order of dismissal were vitiated for violation of the principles of natural justice. To that extent, the order of the learned Single Judge is upheld.

10. As regards the contention of the appellant that the 5th respondent/writ petitioner is not entitled to arrears of salary on the principle of “no work, no pay”, we are of the considered view that interference is warranted. The 5th respondent/writ petitioner cannot claim the entire arrears of salary, as he had not worked during the period between his dismissal and reinstatement. However, since the dismissal was found to be vitiated for violation of natural justice attributable to the appellant-society, the 5th respondent/writ petitioner is entitled to 50% of the arrears of salary for the said period. Denial of arrears in



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full would cause undue hardship to the employee, while granting 50% arrears would balance equities.

11. Accordingly, the following order is passed:

- (i) The impugned order, insofar as it sets aside the order of dismissal dated 02.09.2016 and the order dated 10.04.2017 passed by the respondent-authorities, is confirmed.
- (ii) The writ appeal is disposed of with a modification that the 5th respondent/writ petitioner shall be entitled to 50% of arrears of salary from the date of dismissal, i.e., 02.09.2016, till the date of reinstatement.
- (iii) The 5th respondent/writ petitioner shall be reinstated into service within one month from the date of uploading of this order on the official website of this Court, with all consequential benefits including continuity of service but with 50% arrears of salary.



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(iv) In all other respects, the impugned order of the learned Single Judge shall remain unaltered.

(v) Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs

(R.S.K.,J)

(H.C., J)

15.09.2025

Index : Yes / No

Internet : Yes/No

Neutral Citation : Yes / No

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To

1. The Secretary,
Cooperative Department,
Fort St. George, Chennai.

2.The Registrar of Cooperative Societies
170, Periyar EVR Salai,
Kilpauk, Chennai-600010.

3.The Joint Registrar of Cooperative Societies,
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