



W.P.(MD).No.2099 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.2099 of 2025

and

W.M.P.(MD).Nos.1479 & 1480 of 2025

G.Rajan

... Petitioner

Vs

1. The Deputy Registrar of Cooperative Societies,
Nagercoil-629 001, Kanyakumari District.

2. The Managing Director,
Kanyakumari District Central Co-operative
Bank Ltd., Nagercoil-629 001,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order issued by the second respondent vide his proceeding in Na.Ka.No. 207/2024-2025/A.1(1) dated 28.11.2024 and quash the same.

For Petitioner

: Mr.T.Cibichakraborty

For Respondent No.1

: Mr.D.Sasikumar
Additional Government Pleader

For Respondent No.2

: Mr.Xavier Rajini,
Standing Counsel



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ORDER

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The instant writ petition has been filed by a cashier employed in the second respondent District Central Co-operative Bank, challenging the order of punishment imposed by the second respondent on 28.11.2024, wherein, he has been imposed with a punishment of postponement of increment for a period of six months without cumulative effect.

2. The petitioner herein was issued with a show cause notice on 25.04.2024 calling upon him to submit his explanation regarding certain misconduct. The petitioner has submitted his explanation on 02.05.2024. Thereafter, without conducting any enquiry, the present impugned order has been passed, thereby, imposing punishment of postponement of increment for a period of six months without cumulative effect. This order is under challenge in the present writ petition.

3. According to the learned Counsel appearing for the writ petitioner, as per bye-laws of the Co-operative Bank, major penalty cannot be imposed upon the writ petitioner without conducting any enquiry.



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4. Per contra, the learned Counsel appearing for the second respondent bank would submit that the petitioner has found to have tampered the Bio-Matric machine and he has admitted the same in his explanation and therefore, no further enquiry need not to be conducted. Hence, he prayed for sustaining the order of punishment imposed to the writ petitioner.

5. I have carefully considered the submissions made on either side and perused the materials available on record.

6. A perusal of the charge memo issued by the second respondent dated 25.04.2024 reveals that the petitioner is said to have tampered with the Bio-Matric machine and he was called upon to submit his explanation within a period of seven days. According the petitioner he has submitted his explanation on 02.05.2024. Thereafter, the impugned order has been passed imposing punishment of postponement of increment for a period of six month without cumulative effect. The facts captured above will clearly indicate that the petitioner imposed with a major penalty as per bye-laws of Co-operative Bank, without conducting enquiry.



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7. In such circumstances, the impugned order of punishment is not legally sustainable and the same is liable to be set aside. Accordingly, the impugned order dated 28.11.2024 is hereby set aside and the matter is remitted back to the file of the second respondent herein. The second respondent is at liberty to appoint an enquiry officer, if they are so advised, and proceed further in accordance with law.

8. With the above said observations, this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

30.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
gvn



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To

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2. The Managing Director,
Kanyakumari District Central Co-operative
Bank Ltd., Nagercoil-629 001,
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R.VIJAYAKUMAR,J.

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