



WP(MD), No.5041 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 16.09.2025

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

WP(MD)No.5041 of 2020

1. D.Rajendran (died)
2. Sumathi Rajendran
(P2 is substituted vide order dated 10.01.2023
in W.M.P.(MD)No.11774 of 2022 in
W.P.(MD)No.5041 of 2020)

... Petitioner

Vs.

1. The Regional Joint Registrar of
Co-operative Societies,
Medical College Road,
Thanjavur,
Thanjavur District.
2. The Deputy Registrar of Co-operative Societies,
Medical College Road,
Thanjavur,
Thanjavur District.
3. The President / Special Officer,
Karunthattankudi Dravida Co-operative
City Bank Ltd.,
Raja Veethi,
Karanthattankudi,
Thanjavur-2.



WP(MD), No.5041 of 2020

WEB COPY

4. The General Manager,
Karunthattankudi Dravida Co-operative City
Bank Ltd.,
Karanthattankudi,
Thanjavur-2.

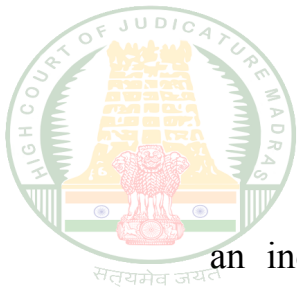
... Respondents

Writ Petition filed under Section 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, seeking to call for the records pertaining to the impugned order dated 01.10.1999 on the file of the respondent No.3 and the consequential impugned order in I.D.No.87/18 dated 22nd March 2019, passed by the Labour Court, Kumbakonam, and quash the same as illegal and consequently to direct the respondents Nos. 2 and 3, to notionally reinstate the petitioner into services, and restore the consequential terminal benefits applicable to him, within the time stipulated by this Honourable Court

For Petitioner	: M/s.S.Rajasekar, Advocate
For R1 and R2	: Mr.C.Venkatesh Kumar, Special Government Pleader
For R3	: No appearance
For R4	: Mr.G.Prabhu Rajadurai

ORDER

The petitioner D.Rajendran, the then Cashier of the 3rd respondent Co-operative Society, was issued with a charge memo in the year 1998 and he was dismissed from service by order dated 01.10.1999. He raised



WP(MD), No.5041 of 2020

an industrial dispute before the Labour Court, Kumbakonam, under Section 2A(2) of the Industrial Dispute Act. The Labour Court, by its order dated 23.02.2019, in I.D.No.87 of 2018, confirmed the order of dismissal from service with modification, by discharging him from charge Nos.1 and 3. As against the same, he has filed this writ petition. Pending this writ petition, the petitioner D.Rajendran died and therefore, his wife Sumathi Rajendran was brought on record.

2. The learned counsel for the petitioner submits that the respondents have framed four charges as against the petitioner D.Rajendran and its crux are as under:

(i) Charge No.1:

The petitioner during his tenure as Cashier cum Treasurer in between 01.10.1994 to 28.04.1994 has deposited a sum of Rs.2 lakhs of the surplus fund of the respondent Bank in the Sri Ram Co-operative Housing Credit Society and there are no receipts or vouchers for the same. Due to the deposit of the said amount, the 3rd respondent Bank suffered loss.



WEB COPY



WP(MD), No.5041 of 2020

(ii) Charge No.2:

The petitioner was unauthorisedly absent from 29.04.1997 to 24.04.1998. He has not claimed any medical leave and not produced any medical certificate for his unauthorised absence. Therefore, there is a violation of Rule 149(10)(E) and (F) of the Co-operative Societies Rules.

(iii) Charge No.3(i):

There is a violation in utilizing the reimbursement loan facility in granting small loan for transport operators. Therefore, the 3rd respondent is still facing the difficulties in recovering the debt raised in consequence of such loan.

Charge No.3(ii):

The petitioner disbursed jewel loans beyond the valuation of the jewel appraiser and in the absence of the valuation.

Charge No.3(iii):

It is relating to the expenses to the tune of Rs.1,46,350/- incurred by the petitioner for the purchase of safety locker and construction of room without any authorization from the higher officials.

Charge No.4:

The petitioner did not hand over the keys of treasury room in pursuant to his unauthorised absence



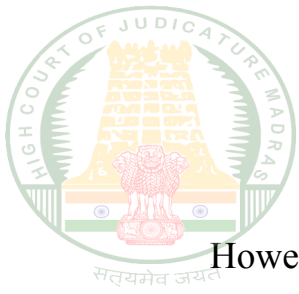
WP(MD), No.5041 of 2020

from 29.04.1997.

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The Labour Court found that charge Nos.1 and 3 have not been proved, however, found that the charge Nos.2 and 4 have been proved and therefore, confirmed the order of dismissal with modification of exonerating the petitioner D.Rajendran from charge Nos.1 and 3.

3. The learned counsel further submits that the question of unauthorised absence does not arise. However, a charge has been created in such a manner that the petitioner D.Rajendran was unauthorisedly absent from 29.04.1997 to 24.04.1998. For his unauthorised absence, a charge memo was also issued on 13.05.1998, for which, he also filed his reply on 04.06.1998. The learned counsel further submits that one Parthasarathy was in-charge during the relevant period and in his evidence, he has stated that he is having the key and he has operated the locker during that period. Without the locker key, the Bank could not have been functioned. Therefore, the allegation as against the petitioner D.Rajendran that he has not handed over the key is not proper. According to the learned counsel, he was prevented from attending duty, since he has not heeded to certain directions of the higher officials.



WP(MD), No.5041 of 2020

However, a charge has been created as if he was unauthorisedly absent.

Therefore, according to him, the charges are vague and the punishment is also disproportionate.

4. The learned counsel appearing for the respondent Bank submits that even in the reply to the charges, the petitioner D.Rajendran has admitted that he went on leave, however, he has not submitted any leave letter and he has not produced any document that he was suffering with ailment for long leave of one year. The Bank is having a duplicate key and therefore, they have managed their work with the duplicate key. According to the learned counsel for the respondent Bank, both the charges are serious charges and they were found to be proved. Even according to the learned counsel for the petitioner, he has not produced any material to substantiate for long leave of one year.

5. This Court considered the rival submissions made.

6. Though four charges were framed as against the petitioner D.Rajendran, he has been exonerated from charge Nos.1 and 3 and he has



WP(MD), No.5041 of 2020

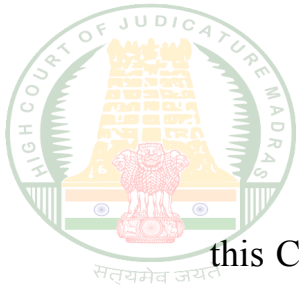
been found guilty for charge Nos.2 and 4. Charge Nos.2 and 4 have to read together as he was unauthorisedly absent for a period of one year and he failed to hand over the locker key.

7. Rule 149(10)(E) and (F) of the Tamil Nadu Co-operative Society Rules read as under:

“Rule 149(10)(E) – Every application for sick leave shall be accompanied by a Medical Certificate from a Registered Practitioner.

Rule 149(10)(F) – In case of other leave applied on the basis of sickness Medical Certificate shall be produced if required within 24 hours of such requisition”

8. The petitioner D.Rajendran was working as a Cashier of the respondent Bank. Admittedly, he was unauthorisedly absent for one year. However, he has not submitted any application for leave either on medical ground or other reasons. He has not substantiated his case for leave with any document. As a responsible officer as a Cashier, the conduct of the petitioner D.Rajendran cannot be appreciated. Therefore,



WP(MD), No.5041 of 2020

this Court is not inclined to interfere with the order of punishment dated 01.10.1999.

9. Accordingly, this writ petition is dismissed. No costs.

16.09.2025

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Index : Yes / No

Internet: Yes / No

NCC : Yes / No

To

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WEB COPY



WP(MD), No.5041 of 2020

B.PUGALENDHI, J.

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WP(MD) No.5041 of 2020

16.09.2025