



WP(MD). No.11400 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 04.12.2025

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

WP(MD)No.11400 of 2024

and

WMP(MD)Nos.10133 and 10134 of 2024

and WMP(MD)No.23311 of 2025

R.J.Gangatharan

... Petitioner

versus

1. The Deputy Registrar of Co-operative Societies,
Madurai.
2. The Enquiry Officer cum Sub Registrar,
Conducted Enquiry under Section 81 of
Tamil Nadu Co-operative Societies Act,
A.3101 Madurai Milk Project Employees
Co-operative Thrift and Credit Society Ltd.
Sathamangalam,
Madurai.
3. A.3101 Madurai Milk Project Employees
Co-operative Thrift and Credit Society Ltd.
Rep. by its the Administrative Office
cum Sub Registrar,
Sathamangalam,
Madurai.



WP(MD). No.11400 of 2024

4. The Enquiry Officer,
A.3101 Madurai Milk Project Employees
Co-operative Thrift and Credit Society Ltd.,
Sathamangalam,
Madurai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, to call for the records relating to impugned charge memo dated 30.03.2022 issued by the 3rd respondent in his proceedings Na.Ka.1/2022/ஒ.ந.(2) and consequential notice dated 13.05.2024 issued by the 4th respondent in his proceedings Nil.

For Petitioner	: Mr.R.Ramanujam, for M/s.Gandhi Associates
For R1	: Mr.C.Venkatesh Kumar, Special Government Pleader
For R3	: Mr.R.Karunanidhi

ORDER

The petitioner, the then Assistant Secretary of A.3101 Madurai Milk Project Employees Co-operative Thrift and Credit Society Ltd., was placed under suspension and also issued with a charge memo dated 30.03.2022. Challenging the charge memo dated 30.03.2022 issued by the 3rd respondent, the present writ petition has been filed.



WP(MD). No.11400 of 2024

2. The learned counsel appearing for the petitioner submitted that as per the Common Cadre Service Rules, 2019, the Joint Registrar of the Co-operative Societies is the competent authority to initiate disciplinary proceedings as against the persons, who fall within the common cadre and as such, the 3rd respondent, namely, the Administrative Office cum Sub Registrar of the A.3101 Madurai Milk Project Employees Co-operative Thrift and Credit Society Ltd., is not having any jurisdiction to issue the charge memo.

3. The learned counsel appearing for the petitioner has also pointed out that the charge memo has been issued based on the enquiry report under Section 81 of the Tamil Nadu Co-operative Societies Act. During the enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, allegations have been made as against 17 persons, including the petitioner. However, the impugned charge memo has been issued selectively as against the petitioner alone, leaving other delinquents. He further submitted that misappropriation of funds in the Co-operative Society has been committed by the then President, Secretary and other elected bearers of the Board, who are hailing from the ruling political



WP(MD). No.11400 of 2024

party. However, the petitioner, an employee of the Society, has been made as a scapegoat. The learned counsel has also pointed out that the petitioner was placed under suspension on 19.07.2019, however, he was made liable for misappropriation of funds beyond the period of his suspension, i.e. from 01.04.2018 to 30.11.2019.

4. In response, the learned counsel appearing for the 3rd respondent submits that this is the second charge memo issued as against the petitioner. The earlier charge memo was issued by the President of the Society on 07.05.2020, based on the report submitted by the enquiry officer under Section 81 of the Tamil Nadu Co-operative Societies Act. The petitioner has challenged the earlier charge memo dated 07.05.2020 and suspension order, by way of filing writ petitions before this Court in W.P.(MD)No.6718 of 2020 and W.P.(MD)No.6554 of 2020 respectively. Both the writ petitions were taken up together and disposed of by this Court, by a common order dated 10.11.2021. Since the charge memo has been issued by the President of the Society, who was also involved in the misappropriation of funds, this Court, while disposing of the writ petitions, directed the Administrator of the respondent Society to initiate



WP(MD). No.11400 of 2024

disciplinary proceedings as against the petitioner and others, who involved in the misappropriation of funds. Accordingly, this charge memo has been issued by the Administrator of the respondent Society. According to him, the charge memo was also issued as against all others, who have been found guilty in the enquiry report under Section 81 of the Tamil Nadu Co-operative Societies Act.

5. The learned counsel for the 3rd respondent further submitted that the Common Cadre Employee means the Secretary of the Primary Agricultural Co-operative Credit Societies, as defined under Section 2(g) of the Tamil Nadu Primary Agricultural Co-operative Credit Societies Common Cadre Service Rules, 2019. Even in the Amendment Rules 2024, the Secretary alone has been shown as a common cadre employee and there is no notification notifying the Assistant Secretary as a common cadre employee. Therefore, the petitioner, the Assistant Secretary of the 3rd respondent Society, would not fall within the Common Cadre Service Rules. However, as per the by-law, the President of the Society is competent to initiate disciplinary proceedings. Therefore, the earlier charge memo was issued by the then President of



WP(MD). No.11400 of 2024

the Society on 07.05.2020 and the same was challenged before this Court. Pursuant to the direction of this Court, this charge memo has been issued by the Administrator of the Society. Therefore, the petitioner cannot question the jurisdiction of the 3rd respondent/the Administrator of the Society in issuing the charge memo. The learned counsel for the 3rd respondent further submitted that though the petitioner was placed under suspension on 19.07.2019, he was allowed to work during the relevant period by the then President, who has also faced delinquencies along with the petitioner.

6. This Court has considered the rival submissions made.

7. The main contention of the petitioner is that the charge memo has been issued by an incompetent authority. The learned counsel for the petitioner claims that the Joint Registrar is the competent authority to issue the charge memo as per the Common Cadre Service Rules. As pointed out by the learned counsel for the 3rd respondent, the definition under Section 2(g) of the Tamil Nadu Primary Agricultural Co-operative Credit Societies Common Cadre Service Rules, 2019, the Common



WP(MD). No.11400 of 2024

Cadre Employee means the Secretary of the Primary Agricultural Co-operative Credit Societies, to whom these rules shall apply.

Therefore, the Common Cadre Service Rule is made applicable only to the Secretary of the Society. Moreover, as per the by-law, the President of the Society is the competent authority to issue the charge memo. The earlier charge memo was issued by the President of the Society, however, it was set aside by this Court in W.P.(MD)Nos. 6554 and 6718 of 2020 dated 10.11.2021 with a direction to the Administrator of the Society to issue a fresh charge memo. Pursuant to the direction of this Court, this impugned charge memo has been issued.

8. The other contention of the petitioner is that he has been selectively targeted and issued with the charge memo. The same has been denied by the 3rd respondent Society that the charge memo has been issued based on the enquiry report under Section 81 of the Tamil Nadu Co-operative Societies Act as against all the employees including the petitioner. Therefore, this Court is not inclined to accept the contentions raised by the petitioner.



WP(MD). No.11400 of 2024

WEB COPY

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

Consequently, connected miscellaneous petitions are closed.

04.12.2025

ogy

Index : Yes / No.

Internet: Yes / No.

NCC : Yes / No.

To

1. The Deputy Registrar of Co-operative Societies,
Madurai.
2. The Enquiry Officer cum Sub Registrar,
Conducted Enquiry under Section 81 of
Tamil Nadu Co-operative Societies Act,
A.3101 Madurai Milk Project Employees
Co-operative Thrift and Credit Society Ltd.
Sathamangalam,
Madurai.
3. A.3101 Madurai Milk Project Employees
Co-operative Thrift and Credit Society Ltd.
Rep. by its the Administrative Office
cum Sub Registrar,
Sathamangalam, Madurai.
4. The Enquiry Officer,
A.3101 Madurai Milk Project Employees
Co-operative Thrift and Credit Society Ltd.,
Sathamangalam,
Madurai.

8/9



WEB COPY



WP(MD). No.11400 of 2024

B.PUGALENDHI, J.

ogy

WP(MD) No.11400 of 2024

04.12.2025