

W.A(MD)No.1696 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.06.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD)No.1696 of 2025
and
C.M.P(MD)No.9478 of 2025**

The Joint Registrar of
Co-operative Societies,
Madurai Region,
Madurai District.

... Appellant /
1st Respondent

Vs.

1.M.V.Raja

... 1st Respondent /
Writ Petitioner

2.The Deputy Registrar of
Co-operative Societies (Housing),
Madurai Region,
Madurai District.

... 2nd Respondent /
2nd Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order passed in W.P(MD)No.28665 of 2024 dated 22.01.2025 on the file of this Court.



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W.A(MD)No.1696 of 2025

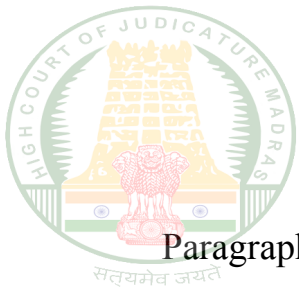
For Appellant : Mr.A.Kannan
Additional Government Pleader

For Respondents : Mr.C.Jeganathan for R.1

JUDGMENT

(Judgment of the Court was made by **G.R.Swaminathan J.**)

This Writ Appeal has been filed by the department questioning the order dated 22.01.2025 passed by the learned single Judge in W.P(MD)No.28665 of 2024 filed by the first respondent herein. The first respondent herein was serving in the co-operative department as co-operative sub-registrar. When he was in-charge of the State Bank of India Employees and Public Service Co-operative Housing Society during the period 2010-12, the first respondent is said to have unauthorisedly sold a housing plot in favour of a non-member. In this regard, a charge memo was issued to him on 09.10.2013. The said proceedings culminated in the imposition of a punishment. Subsequently, on the eve of his retirement, one more charge memo was issued on 27.09.2019. He was also not permitted to retire from service. In this background, the first respondent herein filed W.P(MD)No.28665 of 2024. The learned single Judge after carefully perusing both the charge memos came to the conclusion that second disciplinary action on the same set of facts cannot be initiated.



W.A(MD)No.1696 of 2025

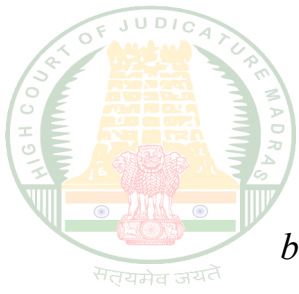
Paragraphs 8 to 10 of the learned single Judge read as follows:

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“8. It is the contention of the learned counsel for the petitioner that the 2nd charge memo dated 27.09.2019 is based upon the same set of facts as found in the 1st charge memo dated 22.02.2013. According to him, when punishment has already been imposed based upon the same set of facts, the question of again issuing a 2nd charge memo on the same set of facts does not arise which amounts to harassing the writ petitioner.

9. A perusal of the order of the Hon'ble Division Bench in W.A.(MD)No.395 of 2022 reveals that the Division Bench has directed the 2nd respondent to consider the explanation submitted by the writ petitioner and to arrive at finding whether the 2nd charge memo is based upon the same set of facts found in the 1st charge memo or not. Accordingly, the 2nd respondent has already arrived at a finding that the allegations found in the 2nd charge memo are on the same set of facts as in the 1st charge memo. In such circumstances, the question of conducting another enquiry based upon the 2nd charge memo does not arise. Therefore, the petitioner cannot be retained in service citing that an enquiry arising out of the 2nd charge memo dated 27.09.2019 is still pending.

10. In view of the above said deliberations, the respondents are directed to pass orders permitting the petitioner to retire from service with effect from 30.04.2019 and disburse the eligible terminal benefits and pensionary



W.A(MD)No.1696 of 2025

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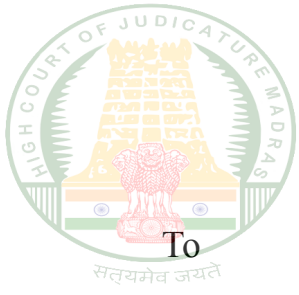
benefits within a period of twelve (12) weeks from the date of receipt of a copy of this order.”

2.We have also independently perused the contents of both the charge memos. Both the charge memos relate to the sale of a housing plot authorised by the writ petitioner in favour of a non-member. Since the first charge memo admittedly culminated in a punishment, which was also accepted by the first respondent and has attained finality, the question of initiating a second disciplinary proceeding on the same set of facts did not arise at all. The approach adopted by the learned single Judge cannot be faulted. There is no merit in this Writ Appeal.

3.This Writ Appeal stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [K.R.S., J.]
25.06.2025

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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W.A(MD)No.1696 of 2025

To

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The Deputy Registrar of
Co-operative Societies (Housing),
Madurai Region,
Madurai District.



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W.A(MD)No.1696 of 2025

G.R.SWAMINATHAN, J

and

K.RAJASEKAR, J.

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W.A(MD)No.1696 of 2025

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