



WEB COPY

W.A.No.1182 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2026

C O R A M

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.No.1182 of 2021

P.Thiyagarajan

... Appellant/Petitioner

-VS-

1. The Secretary to Government,
Co-Operation, Food and Consumer Protection Department,
Fort St.George, Chennai-600 009.

2. The Registrar of Co-operative Societies,
Kilpauk, Chennai-600 010.

3. The Joint Registrar of Co-Operative Societies,
Thanjavur Region, Thanjavur-613 007.

4. The Deputy Registrar of Co-Operative Societies,
Pattukottai, Thanjavur District,
PIN-614 601.

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside
the orders passed in W.P.No.11761 of 2010 dated 30.11.2020.

For Appellant : Mr.L.Chandrakumar
For Mr.A.M.Packianathan Easter

For Respondents : Mr.S.Ravi Kumar
Spl. Govt. Pleader (Co-Op)



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J U D G M E N T

(By S.M.SUBRAMANIAM,J.,)

Under assail is the Writ Order dated 30.11.2020 passed in W.P.No.11761 of 2010. Writ Petitioner is the appellant before this Court, challenging the order of punishment of stoppage of increment for three years with cumulative effect, which was confirmed by the Appellate Authority.

2. A charge memo in Proceedings dated 24.06.2005 has been issued regarding grant of illegal loans by the appellant, who was holding the post of Special Officer in a Co-operative Society. Subsequently, an enquiry was conducted and the Joint Registrar of Co-operative Societies passed a final order in the departmental disciplinary proceedings imposing the punishment of stoppage of increment for three years with cumulative effect. Challenging the said punishment order of the Original Authority, the appellant preferred an appeal before the 2nd respondent, which came to be rejected on 10.07.2008. Challenging the order of the Appellate Authority, the appellant filed a Revision before the Government, which was also dismissed by the Government / 1st respondent in G.O.(D) No.352 dated 30.11.2009. Thus, writ petition came to be instituted.



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3. Mr.L.Chandrakumar, learned counsel for the appellant would mainly contend that no witnesses had been examined during the course of departmental enquiry. That apart, loan dues were recovered within a short span of period. Therefore, there was no misappropriation of fund by the appellant. He would further contend that major penalty of stoppage of increment for three years with cumulative effect was imposed without conducting proper enquiry.

4. Learned Special Government Pleader appearing on behalf of the respondents would oppose, by stating that the procedures as contemplated under the Discipline and Appeal Rules were scrupulously followed. The appellant granted loans for himself and non-members in violation of Rules, resulted initiation of disciplinary proceedings. After conducting enquiry, punishment of stoppage of increment for three years with cumulative effect was imposed, which was confirmed by the Appellate Authority as well as by the Government. Writ Court also considered all aspects and rejected the Writ Petition.

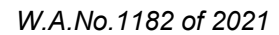
5. This Court heard the arguments of the parties to the lis on hand.



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6. The charge memo came to be issued by the Deputy Registrar in his Proceedings dated 24.06.2005. Charges would indicate that the appellant sanctioned loans for himself and to non-members of the Co-operative Society and committed serious irregularities. In respect of irregularities in sanctioning of loans, charges came to be issued. A perusal of the original order passed by the Disciplinary Authority would show that enquiry was conducted by the Enquiry Officer appointed by the Disciplinary Authority, who had submitted a report, holding that charges 1 and 2 are held proved. Based on the proved charges, penalty of stoppage of increment for three years with cumulative effect was imposed. The Appellate Authority as well as Revision Authority considered the grounds raised by the appellant. Writ Court found that the procedures as contemplated under the Discipline and Appeal Rules were followed and thus, there was no infirmity in respect of the penalty imposed.

7. As far as the ground raised in the present Writ Appeal is concerned, non examination of witnesses in the departmental proceedings alone cannot be held as vital for the purpose of setting aside the disciplinary proceedings. In certain cases, charges are proved based on the documents and in other cases, charges may be proved based on the witnesses or both in some cases. It depends on nature of the charges



8. Learned counsel for the appellant would submit that loan were recovered. The charge itself would indicate about the sanctioning of loans in the name of the appellant, who was post of Special Officer as well as in the name of non-members of the Society. Therefore, recovery of loan would not raise a question of exoneration from the departmental disciplinary proceedings.

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Consequently, the Writ Appeal is dismissed. No costs.

(S.M.S,J.) (C.K,J.)
02.01.2026

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To:

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