



WEB COPY

WP No. 37861 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

CORAM

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WP No. 37861 of 2015

AND

WMP NO. 466 OF 2016 & MP.NO.2 of 2015

The President

I.I.590, Lakkur Primary Agricultural Co-operative
Credit Society, Lakkur, Thittakudi Taluk,
Cuddalore District

..Petitioner

Vs

1. The Joint Registrar of Co-op
Societies, Cuddalore District, Cuddalore
2. A.Radhakrishnan (DIED),
S/o.Annakkarai Konar, Thatchur Post,
Thittakudi Taluk, Cuddalore District
3. Sellapangi,
W/o. A.Radhakrishnan (died), Door No.1/159,
North Street, Thatchur Village And Post,
Thittakudi Taluk, Cuddalore District.
4. Rajayadhav,
S/o. A.Radhakrishnan (died), Door No.1/159,
North Street, Thatchur Village And Post,
Thittakudi Taluk, Cuddalore District.
5. Ranjitha,
D/O. A.RADHAKRISHNAN (DIED), DOOR
NO.1/159, NORTH STREET, THATCHUR
VILLAGE AND POST, THITTAKUDI
TALUK, CUDDALORE DISTRICT. (R3 TO
R5 ARE SUBSTITUTED AS LR's OF
DECEASED SECOND RESPONDENT VIDE
ORDER DATED 05.02.2026 MADE IN
WMP.40214/2024 IN WP.37861/2015 BY
CKJ)



..Respondents

PRAYER: This Writ petition filed under Article 226 of Constitution of India to issue a writ of Certiorari calling for the entire records relating to the order dated 27.07.2015 made in Na.Ka.No. 3484/2015/Thuvatha1 on the file of the first respondent herein and quash the same.

For Petitioner: Mr.C.Munusamy,

For Respondent(s): **Mr.E.P.Senniyangiri, Government Advocate for R1,**
Mr.B.Singaravelu For R3 to R5,
R-2 Died

ORDER

The present Writ Petition has been filed by the President of the Lakkur Primary Agricultural Cooperative Credit Society.

2. Facts in Brief:

Three charges were framed against the 2nd respondent on 25.08.2014, namely: (i) disobedience of the orders of higher officials; (ii) failure to utilize the funds granted as per the Vaithiyanathan Committee's Report; and (iii) failure to discharge his duties. Pursuant to the framing of charges, an Enquiry Officer was appointed, who submitted his report on 30.12.2014, holding that all the charges were proved. Based on the said findings, the punishment of removal from service was imposed. The said order of removal was challenged before the 1st respondent, vide his order dated 27.07.2015, modified the punishment from



removal to reinstatement, with stoppage of increment and directed that the period of absence be treated as “No Work, No Pay.” The said order is under challenge in the present Writ Petition.

3. Mr. C. Munusamy, learned counsel for the writ petitioner, submitted that the 2nd respondent failed to discharge his duties in accordance with his employment. It was further submitted that despite service of summons on five occasions, the 2nd respondent did not effectively participate in the enquiry proceedings. Hence, there is no infirmity in the findings of the Enquiry Officer, and the punishment imposed was appropriate. Therefore, the modification of punishment by the 1st respondent is not in accordance with law.

4. Per contra, **Mr. P. P. Shanmugasundaram**, learned counsel appearing for the respondent, contended that the 2nd respondent had provided explanations for his inability to attend the enquiry. However, apart from the averments made in the counter affidavit and the vacate stay affidavit, no tangible material has been produced to substantiate the reasons for his non-participation in the enquiry.

5. Considering the nature of employment in an Agricultural Cooperative Society, the 2nd respondent ought to have continued in service. However, he neither participated in the enquiry nor substantiated his absence on medical or



other valid grounds. Therefore, this Court finds no infirmity in the order passed by the original authority. In such circumstances, the order passed by the 1st respondent modifying the punishment is liable to be set aside.

6. It is also brought to the notice of this Court that the 2nd respondent has since passed away, and his legal heirs have been impleaded and have contested the matter. However, as no case is made out to interfere with the order of the original authority, no relief can be granted to the legal representatives of the 2nd respondent.

7. In the result, the Writ Petition is **allowed**, and the impugned order passed by the 1st respondent in in Na.Ka.No. 3484/2015/Thuvatha1 dated 27.07.2015 is set aside. No costs. Consequently, connected miscellaneous petitions are closed.

16-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

JRS



To

1. The Joint Registrar of Co-op Societies, Cuddalore District, Cuddalore.
2. The Public Prosecutor, High Court of Madras.



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N.SENTHILKUMAR J.

JRS

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