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W.P. No.32552 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2026

CORAM:

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P. No.32552 of 2024
and
WMP Nos.35381, 35382 of 2024
and
WMP No. 3174 of 2026

K.Ramajayam

Petitioner

Vs

1. The Joint Registrar of Cooperative Societies
Revisional Authority
Thiruvannamalai Region, Thiruvannamalai,
Thiruvannamalai District

2.The Administrator
H.H.256 Nedumbirai Primary Agricultural
Cooperative Credit Society,
Nedumbirai Village & Post,
Cheyyur Taluk,
Thiruvannamalai District

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari calling for the entire records relating to the impugned order passed by the 1st respondent in his Revision Petition No.04/2023 Sa.Pa.(Na.Ka.No.3106/2023) dated 18.10.2023 and quash the same



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For petitioner : Mr.C. Prakasam
For respondents : Mr.R.Murthy
Govt. Advocate

ORDER

The writ petition has been filed challenging the impugned order passed by the 1st respondent in Revision Petition No.04/2023/Sa.Pa (Na.Ka.No.3106/2023) dated 18.10.2023, whereby the 1st respondent confirmed the order of punishment imposed by the 2nd respondent and further directed reduction of one rank in the seniority list.

2. It is averred that the petitioner was appointed as Salesman in the 2nd respondent Society on 17.07.2010 through Employment Exchange. Subsequently, by resolution dated 01.07.2020, he was promoted as Junior Assistant/Fertilizer Salesman with effect from 01.07.2020 and the said promotion was approved by the Deputy Registrar of Cooperative Societies.

3. While so, allegations were levelled against the petitioner stating that he had demanded and received bribe from certain members for issuance of loan waiver certificates and return of pledged gold jewels under the Tamil Nadu Government's General Gold Loan Waiver Scheme, 2021. Therafter, due to the said allegation, the petitioner was placed under suspension by proceedings dated 02.04.2022 with effect from 04.04.2022. Subsequently charges were framed, vide charge memo dated 18.08.2022 to the above effect. Pursuant to which,



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domestic enquiry conducted and the Enquiry Officer submitted his report on 05.11.2022 holding the charges as proved. A copy of the enquiry report was furnished to the petitioner on 07.11.2022. After issuance of second show cause notice and considering the explanation submitted by the petitioner, the 2nd respondent passed orders, vide proceedings dated 30.01.2023 imposing the punishment of demotion from the post of Junior Assistant/Fertilizer Salesman to the lower post of Salesman.

4. Aggrieved by the same, the petitioner preferred a Revision Petition under Section 153 of the Tamil Nadu Cooperative Societies Act, 1983 before the 1st respondent. The 1st respondent, by order dated 18.10.2023, confirmed the punishment of demotion and further directed that the petitioner's seniority in the cadre of Salesman shall be fixed one rank below the existing senior Salesman. Challenging the same, the present writ petition has been filed.

5. Learned counsel for the petitioner submitted that the petitioner originally entered service as Salesman and was subsequently promoted as Junior Assistant/Fertilizer Salesman. He further submitted that the petitioner had no authority either to issue loan waiver certificates independently or to return pledged jewels and therefore the allegation of demand and receipt of bribe is bad in law.



6. He further pointed out that the throughout the enquiry proceedings, the petitioner denied the charges levelled. Merely because the petitioner did not cross-examine certain witnesses, the same cannot be treated as admission of guilt. He also contended that with regard to the alleged video/WhatsApp recording, the same was not properly proved and therefore the same is unsustainable.

7. Learned counsel further submitted that the revisional authority, while exercising powers under Section 153 of the Act, has no jurisdiction to again impose an additional punishment when the petitioner alone preferred the revision. Further, he submitted that due to reduction of one rank in seniority in addition to confirming demotion, the 1st respondent has virtually enhanced the punishment, which is impermissible in the eyes of law. Hence, the impugned order passed by the 1st respondent / revisional authority is liable to be set aside. Therefore, he prayed for quashment of the said impugned order and thereby the writ petition may be allowed.

8. Per contra, the learned Government Advocate appearing for respondents submitted that while working as Junior Assistant/Fertilizer Salesman, the petitioner had demanded and received illegal gratification for issuance of loan waiver certificate and return of pledged gold jewels under the



State Government Scheme. He also submitted that video recording of the alleged incident was also circulated to the petitioner.

9. He vehemently argued that considering the interest of public at large, the petitioner was placed under suspension and 50% of the subsistence allowance was also paid to the petitioner. Therefore, the contention raised by the petitioner with regard to non-payment of subsistence allowance is incorrect.

10. He further argued that the charges levelled against the petitioner were proven in nature and the petitioner did not cross-examine the prosecution witnesses nor did he substantiate his plea that the video recording was fabricated. Based on the enquiry report and after issuing second show cause notice, the disciplinary authority imposed the punishment of demotion. Further he submitted that the revisional authority passed reasoned orders confirming the punishment and only fixed the petitioner's seniority appropriately in the lower cadre to give effect to the demotion. Therefore, interference by this Court in the order of the 1st respondent dated 18.10.2023 is unwarranted.

11. This Court has carefully considered the rival submissions and perused the materials available on record.



12. It is not in dispute that the petitioner was working as Junior Assistant/Fertilizer Salesman at the relevant point of time. The charge memo dated 18.08.2022 clearly framed specific allegations of receipt of bribe in connection with issuance of loan waiver certificate and return of pledged jewels. A domestic enquiry was conducted after affording opportunity to the petitioner.

13. Admittedly, the petitioner did not cross-examine the prosecution witnesses during the enquiry. He also did not let in any convincing evidence to disprove the allegations or to establish that the alleged video/recording was fabricated. Once an opportunity was afforded and not availed by the petitioner at that relevant point of time and cannot subsequently contend that principles of natural justice were violated.

14. The scope of judicial review in disciplinary matters is limited. This Court does not sit in appeal over the findings of the Enquiry Officer unless the findings are perverse or based on no evidence. In the present case, the enquiry was conducted in accordance with procedure and the finding that the charges are proved cannot be said to be perverse.

15. However, insofar as the order of the revisional authority is concerned, it is seen that while confirming the punishment of demotion imposed by the 2nd respondent / disciplinary authority, the 1st respondent further directed reduction of one rank in the seniority list. Thus this Court feels that in the absence of



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any notice proposing enhancement, the direction reducing one rank in the seniority list amounts to imposition of an additional punishment and the same cannot be sustained.

16. Accordingly, this Court issues the following directions :-

i) The order of the 2nd respondent dated 30.01.2023 imposing punishment of demotion from Junior Assistant/Fertilizer Salesman to Salesman is hereby confirmed.

ii) The impugned order dated 18.10.2023 issued by the 1st respondent is hereby set aside insofar as it relates to reduction of one rank in the seniority list of Salesman.

17. With the above modification, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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

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