



WEB COPY

WP No.72 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-01-2026

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THE HON'BLE MR JUSTICE M.DHANDAPANI

**WP No.72 of 2026
and
WMP.Nos.55 & 58 of 2026**

P.Selvaraja

..Petitioner(s)

Vs

- 1.The Principal Secretary to Government,
Co-operation, Food & Consumer Protection
Department,
Secretariat, Chennai-600 009.
- 2.The Registrar of Co-operative Societies,
No.170, EVR High Road,
Kilpauk, Chennai-600 010.
- 3.The Joint Registrar of Co-operative Societies,
Coimbatore Region,
K.K. Pudur, Coimbatore -641 038.
- 4.A.Palanisamy
- 5.The Director of Vigilance and Anti-Corruption,
No.293, M.K.N .Road, Alandur,
Chennai-600 016.
- 6.S.Yasodha Davee

..Respondent(s)



Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Ceriorarified Mandamus, calling for the records relating to the impugned charge memorandum issued by the incompetent authority, the third respondent in Na.Ka.No.880/2021/E3 dated 08.05.2023 and quash the same and consequently, to direct the respondents to defer further proceedings on the charge memo, in the light of the orders already issued by this Court in W.P.No.19671 of 2023 dated 14.10.2024 in a similar case, to keep the disciplinary proceedings in abeyance till the completion of the criminal case, within a reasonable period as may be fixed by this Court.

For Petitioner(s): Mr.T.Ranganathan

For Respondent(s): Mr.K.Tamilvendan, GA for R1 to R3

ORDER

The impugned charge memorandum issued by the incompetent authority, the third respondent in Na.Ka.No.880/2021/E3 dated 08.05.2023, is put under challenge in the present Writ Petition. Further, the petitioner has sought for a direction to the respondents to defer further proceedings on the charge memo, in the light of the orders already passed by this Court in W.P.No.19671 of 2023 dated 14.10.2024 in a similar case, to keep the disciplinary proceedings in abeyance till the completion of the criminal case, within a time frame as fixed by this Court.



2. Heard the learned counsels on either side. With the consent of both sides, the present Writ Petition is taken up for hearing at the admission stage itself.

3. The brief facts of the case is as follows:-

3.1. The petitioner was appointed as Deputy Registrar of Co-operative Societies in the year 2010 through TNPSC and posted initially at Villupuram Circle and currently working at Pollachi Circle and his promotion as Joint Registrar is due in 2021-22 panel, however, his junior was promoted. One C.Shivaji, the Secretary of the Thalavaipalayam Primary Agricultural Society, Thondamuthur, Annamalai Taluk, Coimbatore got the approval of the fourth respondent /A.Palanisamy, the then Joint Registrar, Coimbatore Region, to fake claim persons under the Crop Loan Waiver Scheme, which was refused by the petitioner and in order to escape from the said misconduct, the petitioner was trapped in a corruption case and a case was registered against him, followed by suspension which was revoked by S.Arumugam, the then Co-operative Sub-Registrar, Pollachi circle, now at Thanjavur Region. The charge memo was issued by the Joint Registrar, Coimbatore Region on 08.05.2023 which is nothing a repetition of the FIR based on the complaint of the said C.Shivaji and the documents and witnesses are also recapitulation of the charge sheet filed by the DVAC in Spl.C.C.No.3 of 2024 dated 29.05.2024 which seems to be a



second trial by the Joint Registrar, Coimbatore Region, which is impermissible and unsustainable in the eye of law and hence, the present Petition.

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4. The learned counsel for the petitioner submitted that the petitioner has challenged the proceedings on two folds, firstly, charge memo was not issued by the competent authority, where Government is the competent authority and the Joint Registrar has also participated in the trap proceedings and he may be a witness to the said occurrence which is not sustainable and secondly, the allegations levelled against the petitioner in the charge memo reflects the same set of facts set out in the FIR and the charge sheet filed by the DVAC officials, which is unsustainable and contrary to the decision of the Hon'ble Apex Court in the case of M.Paul Anthony Vs. Bharat Gold Mines Ltd., [1999 (3) SCC 679]. He added that the documents relied on by the respondents have not been furnished properly in time to the petitioner to defend his case. He further submitted that as the criminal case is pending for trial, the disciplinary proceedings cannot be proceeded against the petitioner for the same set of charges. Therefore, he pleaded this Court to allow the petition.

5. Per contra, the learned Government Advocate appearing for the respondents 1 to 3 on instructions submitted that the corruption case is pending trial before the court concerned and in respect of disciplinary proceedings, Enquiry officer was appointed and inquiry is going on in the said issue and



hence, prayed this Court to dismiss the petition.

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6. I have considered the rival submissions made by the respective learned counsels and also perused the materials available on record.

7. On perusal of the records, it is seen that the facts of the case is not disputed by the petitioner. Admittedly, trap was held, for which a criminal case was registered by the DVAC officials and the petitioner was immediately placed under suspension. The petitioner was issued with the charge memo on 08.05.2023 by the Joint Registrar of the Co-operative Societies. It is the contention of the petitioner that the Government is the competent authority to initiate disciplinary proceedings but not the Joint Registrar, which is ruled out by the decision of the Hon'ble Apex Court in the case of ***Inspector General of Police Vs. Thavasiappan [1996(2) SCC 145]***, wherein it has held that initiation by Sub-ordinate authorities is valid. Insofar as the contentions of the learned counsel for the petitioner in regard to disciplinary proceedings were concerned, it is not permissible as the same was initiated on the very same set of facts as that of the charge sheet filed by the DVAC in the criminal case, which is pending trial, is not acceptable since the criminal case has to be proved before the Court concerned whereas the disciplinary proceedings is purely a departmental action, which is preponderance of probabilities. Merely because of the pendency of the criminal case, no disciplinary proceedings can be



initiated against the petitioner is unacceptable. Hence, this Court is not inclined to grant the relief sought for by the petitioner in the present Writ Petition.

However, taking into consideration of the submissions made by the learned counsel for the petitioner, the first respondent is directed to appoint a competent authority to enquire into the disciplinary proceedings and conduct it in an unbiased manner and to conclude the same in the manner known to law.

8. With the above observations and directions, the Writ Petition stands dismissed. Consequently, connected Miscellaneous Petitions are closed. There shall be no order as to costs.

12-01-2026

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

DP



To

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2. The Registrar of Co-operative Societies,
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M.DHANDAPANI, J.

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