



W.P(MD)No.18199 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.18199 of 2023 and
WMP(MD) No.15180 of 2023

Subramani.P (Died)

1.S.Indrani

2.Sathish Kumar

3.S.Priyanka

4.P.Rajammal

... Petitioners

[P1 to P4 are substituted vide
order dated 24.09.2025 in
WMP(MD)No.7554 of 2025]

Vs

1.The Joint Registrar of Co-operative Societies /
Chairman of the Common Cadre Authority
Karur Region,
O/o. Joint Registrar of Co-operative Societies,
Collectorate Campus, Thanthonimalai,
Karur District - 639 007.

2.The Managing Director /
Member Secretary of the
Common Cadre Authority- Karur Region,
O/o. Joint Registrar of Co-operative Societies
Collectorate Campus, Thanthonimalai,
Karur District 639 007



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3.The President,
R-240 KN Pudur Primary Agricultural
Cooperative Credit Society
N.Pudur, Nanniyoor Post,
Karur District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of certiorari calling for the records pertaining to the impugned enquiry notice issued by the 1st respondent in his proceedings No.Na.Ka.2983/2022/Tho.Ve.Ka.Sa dated 17.07.2023 and quash the same.

For Petitioner : Mr.I.Suthakaran

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader

ORDER

This writ has been filed challenging the enquiry notice dated 17.07.2023 issued by the 1st respondent on the ground that the 1st respondent is not competent to issue the enquiry notice as per Rule 3 of the TN Primary Agricultural Cooperative Societies Common Cadre Rules 2019.



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2.The petitioner was serving as Secretary in the 3rd respondent society since 01.01.1990 and was arrested on 21.11.2012 by the Karur CCIW-CID unit on allegations that he has purchased fertilisers such as urea and DAP from Tamil Nadu Cooperative Marketing Federation (TANFED) under the subsidy scheme for distribution to the members of the society and sold the same to Tamil Nadu News paper Limited (TNPL) at a higher price in connivance with the Special Officer of one Thanthoni Agro Engineering and Service Co-operative Centre Limited and obtained wrongful gain. A criminal case in Crime No.1 of 2011 was registered in connection with the same and is pending before the Judicial Magistrate Court, Karur in CC Nos.358 of 2016 and 359 of 2016.

3.The petitioner was placed under suspension on the above allegations on 21.11.2012 and was issued with a charge memo on 11.05.2013 that the petitioner while serving as Secretary of the 3rd respondent society had purchased fertilisers and resold the same to TNPL for a sum of Rs.15,44,281/- by preparing forged sales bill in the name of the farmers. Therefore, the petitioner is alleged to have misappropriated a sum of Rs. 11,71,649/-.



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4.The petitioner had earlier filed WP(MD) No.11571 of 2013 alleging that he was not provided with the required documents during the enquiry and the same was disposed on 04.09.2014 directing the petitioner to submit a fresh representation and thereafter he should be provided with the required documents. Accordingly, the petitioner made a fresh representation on 19.09.2014 seeking some documents. However, the petitioner claiming that irrelevant documents were sent to him, made another representation on 20.10.2014 referring to his earlier representation.

5.The petitioner was issued with the 1st show cause notice on 29.04.2015 along with an enquiry report dated 17.10.2014 which concluded as ex-parte that charges against petitioner were proved. Thereafter, a second show cause notice was issued on 11.11.2019 seeking explanation from the petitioner. The petitioner challenged this second show cause notice by filing a writ petition in WP(MD) No.24494 of 2019 that the 3rd respondent was not the competent authority to issue the same as per the Tamil Nadu Primary Agricultural Cooperative Societies



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Common Cadre Rules 2019. The said writ petition was dismissed on 11.02.2022 and challenging the said order an appeal in WA(MD) No.841 of 2022 was filed. However pending the appeal, the Deputy Registrar of Co-operative Societies, Karur Region, has by his proceedings, dated 10.05.2022, withdrawn all the papers relating to the proceedings against the writ petitioner and required the Joint Registrar of Co-operative Societies, to conduct the disciplinary proceedings. Therefore, by recording that the petitioner's prayer was complied with, the writ appeal was closed on 13.03.2023 with a direction to the Joint Registrar of Co-operative Societies, Karur Region, to conduct an enquiry as per the recommendation of the Deputy Registrar of Co-operative Societies, Karur Region, dated 10.05.2022.

6.The petitioner also filed another writ appeal in WA(MD) No.386 of 2022 challenging the reduction of his subsistence allowance from 100 to 50 % and the same was disposed on 13.03.2023 with directions to pay the full subsistence allowance from March 2023 onwards and complete the enquiry within 4 months from the date of the order.



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7. Thereafter, summons was issued on 26.04.2023 to the petitioner to appear for the enquiry and the impugned enquiry notice was also issued on 17.07.2023 to the petitioner. The petitioner has filed this writ petition to quash the enquiry notice dated 17.07.2023 and this court has also granted interim stay on 27.07.2023.

8. The main contention of the petitioner is that it is only the common cadre authority consisting of the Chairman, Member Secretary and 2 members, who is the competent authority to convene a meeting and take disciplinary action against the petitioner. However, the 1st respondent has issued the impugned enquiry notice without any authority to do so.

9. On the other hand, the Additional Government Pleader appearing for the respondents submits that the petitioner has participated in the enquiry conducted on 25.07.2013 and 11.07.2014 and thereafter he has not participated in the same and filed several writ petitions challenging the order of suspension and the disciplinary proceedings. He further



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submits that the Joint Registrar of Cooperative Societies Karur being the Chairman of the Common Cadre Authority for Karur region has been delegated with the powers for further proceedings and correspondence vide resolutions dated 21.02.2022. On the basis of the same, the impugned enquiry notice was issued and that too only as directed by this court in WA(MD) No.841 of 2022 by order dated 13.03.2023. Hence, this writ petition is liable to be dismissed.

10.This court considered the rival submissions and perused the materials.

11.The petitioner, serving as the Secretary in the 3rd respondent society was placed under suspension on 21.11.2012 and was issued with a charge memo on 11.05.2013 that he had purchased fertilisers and resold the same to TNPL for a sum of Rs.15,44,281/- by preparing forged sales bill in the name of the farmers. Therefore, the petitioner is alleged to have misappropriated an amount of Rs. 11,71,649/- from the co-operative society.



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12.A perusal of the materials reveals that the charge memo against the petitioner was issued in the year 2013 itself. Thereafter, the petitioner has filed WP(MD)No.7863 of 2015 challenging the enquiry report dated 17.10.2014 and this court granted interim stay on 06.05.2015. Subsequently, the same was disposed on 29.08.2019 with liberty to the petitioner to approach the competent authority under Section 153 of the Co-operative Societies Act. The petitioner has also challenged the second show cause notice issued on 11.11.2019 in WP(MD)No.24494 of 2019 and in WA(MD) No.841 of 2022 on the ground that it was not issued by the proper authority and this court has disposed the writ appeal as under:

“3. Aggrieved, the appellant/writ petitioner has filed this instant appeal. However pending the appeal, the Deputy Registrar of Co-operative Societies, Karur Region, has by his proceedings, dated 10.05.2022, withdrawn all the papers relating to the proceedings against the writ petitioner and had required the Joint Registrar of Co-operative Societies, to take conduct the disciplinary proceedings. In view of this order, the prayer of the appellant stands complied. We do not see any dispute for adjudication in this writ appeal.



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4. Therefore, the writ appeal is closed, directing the Joint Registrar of Co-operative Societies, Karur Region, to conduct an enquiry as per the recommendation of the Deputy Registrar of Co-operative Societies, Karur Region, dated 10.05.2022. No Costs. Consequently, connected miscellaneous petition is closed.”

13. Thereafter, the impugned enquiry notice was issued by the Joint Registrar of Co-operative Societies, who was delegated with the powers for further proceedings and correspondence vide resolutions of the cooperative society dated 21.02.2022 and as directed by this court in WA(MD)No.841 of 2022 by order dated 13.03.2023. However, the petitioner has taken the very same ground again and filed this writ petition challenging the impugned enquiry notice once again.

14. It is reported that the petitioner has passed away on 23.12.2024 and his legal heirs have been substituted by this court vide order dated 24.09.2025 in WMP(MD)No.7554 of 2025. Considering the fact that this writ petition has been filed challenging the enquiry notice as against the petitioner, this writ petition became infructuous with the death of the petitioner. However, the legal heirs have been substituted.



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15.It is a settled position that disciplinary proceedings cannot continue against a person after his death. The purpose of such proceedings is to impose civil penalties like dismissal, removal and suspension of the civil servant. In line with the principle of *actio personalis moritur cum persona* (personal action dies with the person), such proceedings abate on the death of the person involved. In *A.K.S. Rathore (Dead) Through Lrs. vs. Union of India & Anr (Civil Appeal No. 7028 of 2022 dated 28.09.2022)*, the Hon'ble Supreme Court has held that no final orders can be passed against a dead person in disciplinary proceedings. The relevant portions are extracted as under:

“7. Admittedly, no final order was passed by the Disciplinary Authority, before the death of the original appellant. Though the order of remand passed by the Central Administrative Tribunal, is dated 02.02.2015, the Disciplinary Authority could not perhaps pass the final order, due to the pendency of the writ petition before the High Court and the pendency of the above appeal before this Court.

8. Today even if we dismiss the above appeal, no final order can be passed in the disciplinary proceedings, against a dead person. The disciplinary



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proceedings have actually abated. In other words the dismissal of the above appeal will have the same consequences as the appeal being allowed.

9. In view of the above, the above appeal is disposed of holding that the disciplinary proceedings initiated against the original appellant stand abated”

16.In the present case, no final orders have been passed in the disciplinary proceedings until the death of the petitioner and hence the same has not attained finality. In light of the legal position with regard to the disciplinary proceedings as against dead persons, the charges against the petitioner have abated and nothing further survives in this petition.

17.It is pertinent to note that even though the charge memo against the petitioner was issued way back in the year 2013, the disciplinary proceedings were not concluded until his death in the year 2024 and this inordinate delay has allowed the petitioner to escape from disciplinary proceedings and he has also received subsistence allowance for many years. No doubt, the petitioner has filed multiple writ petitions



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challenging the disciplinary proceedings. However, the authorities have also contributed to the delay in concluding the disciplinary proceedings. They have not supplied the required documents to the petitioner initially and the petitioner has filed writ petitions requiring the same. Thereafter, the ex-parte enquiry report dated 17.10.2014 was challenged in WP(MD)No.7863 of 2015 and this court granted interim stay on 06.05.2015 itself and the writ petition was finally disposed only on 29.08.2019. Thereafter, the Tamil Nadu Primary Agricultural Cooperative Societies Common Cadre Rules 2019 have come into force. However, the show cause notice dated 11.11.2019 was issued by the President of the Cooperative society in violation of Rule 3 of the above rules providing the petitioner with another opportunity to delay the proceedings. Challenging the same, the petitioner filed WP(MD)No.24494 of 2019 and subsequently WA(MD)No.841 of 2022. The respondents finally woke up and transferred the proceedings to the Joint Registrar / 1st respondent only during the writ appeal proceedings in the year 2023. Thereafter, the impugned enquiry notice came to be issued by the 1st respondent in 2023. All this shows the manner in which the officials concerned have also enabled the delay to occur.



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18.This is a serious case of misappropriation, however it has been dealt with in a lethargic manner by the the respondents. It would be relevant to refer to GO.Ms.No.81, Human Resources Management (N) Department, dated 04.08.2022 issued by the state government prescribing a time limit for finalisation of disciplinary proceedings. As per these guidelines, deliberate and arbitrary delay on the part of the disciplinary authority in conducting disciplinary proceedings shall be treated as abetment to shield the delinquent officer and severe disciplinary action has to be taken against the officials involved. The relevant portions of the guidelines is extracted as under:

“(v) Deliberate and arbitrary delay in inquiring the cases on the part of the inquiry officer or on the part of the disciplinary authority, as the case may be, without valid reasons shall be treated as an abetment to shield the delinquent officer and severe disciplinary action should be taken against the concerned authorities / officials.”

19.Considering the manner in which disciplinary proceedings against the petitioner were allowed to drag on for more than 10 years, this court directs the Principal Secretary to Government, Co-operation,



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Food and Consumer Protection Department, Chennai to initiate appropriate disciplinary proceedings as against the officials concerned, who are responsible for the delay.

With the above directions, this writ petition is dismissed. No costs. Consequently connected miscellaneous petition is closed.

24.02.2026

Index : Yes / No

NCC : Yes / No

VRN/DSK

To

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Collectorate Campus, Thanthonimalai
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- 2.The Managing Director /
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Common Cadre Authority- Karur Region,
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- 3.The President,
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4.The Principal Secretary to Government,
Co-operation, Food and
Consumer Protection Department,
Chennai.



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B.PUGALENDHI.J.,

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