

RP No.1/2013

**BEFORE THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
PUDUCHERRY.**

R.P. No.1/2013

Present : **Thiru T. KARIKALAN,**
Registrar of Co-operative Societies
Puducherry.

J. Radhakrishnan
S/o. Jangal Naidu
No.7, Kamarajar Sreet
Kosapalayam
Puducherry- 605 013.

.. Petitioner

Vs.

1. The Pondicherry Co-operative Sugar Mills Limited
Rep. by its Managing Director (Disciplinary authority)
Lingareddipalayam
Puducherry.

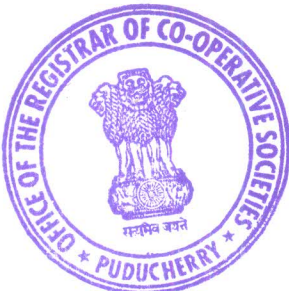
2. The Administrative Officer
The Pondicherry Co-operative Sugar Mills Limited
Lingareddipalayam
Puducherry.

.. Respondents

ORDER

(Issued under Section 141 of the Puducherry Co-operative Societies Act)

Calling in question the legal pregnability of the order dated 27th February 2013 of the first respondent discharging the petitioner from service this revision petition is filed under Section 141 of the Puducherry Co-operative Societies Act, 1972 (for easy reference the 'Act').



THE CAUSE

2. The gravamen of grievance of the petitioner, as stood exposted from the affidavit would run thus:

2.1 The petitioner was working as Assistant Storekeeper/Senior Clerk in the Pondicherry Co-operative Sugar Mills Limited No. P. 315 (for short the Mills). A charge memorandum was issued to him indicting him for a theft that took place in the Mills. As the petitioner denied the charges, an enquiry was ordered into the charges and the enquiry officer submitted the report on 2nd November 2004 holding that all the charges against the petitioner were not proved. As the disciplinary proceedings were not finalized, he filed a writ petition in W.P. No.16124/2003. A direction was given, vide order dated 20th August 2003 to dispose the proceedings within a period of six months. But the order of the Hon'ble High Court was not complied with by the respondents.

2.2 Accepting the report of the enquiry officer, a second show cause notice was issued on 24th January 2007, forwarding the enquiry report. The petitioner sought to drop further proceedings as he was held not guilty by the enquiry officer. No final order was passed.

2.3 By notice dated 12th February 2013 the first respondent gave a notice stating that he was disagreeing with the findings of the enquiry officer and proposed a punishment of dismissal from service. By order dated 27th February 2013 an order was passed by the first respondent imposing a punishment of discharge from service and this order is impugned in this revision petition.

2.4 The thrust of the averment is that the impugned order was without jurisdiction as the disciplinary authority has agreed with the findings of the enquiry officer and forwarded the report to him. Issue of third show cause notice in this matter is without legal base. Without hearing the petitioner an extreme punishment of dismissal from service was proposed against all canons of natural justice. The enquiry proceedings were badly delayed and because of huge lapse of time, the petitioner has lost his proper know of details of the subject. On the above premises, the petitioner sought to quash the impugned order.



