

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.2.2002

CORAM :

THE HONOURABLE MR.JUSTICE A.K.RAJAN

W.P.No.21422 of 1994 and W.M.P.No.32652 of 1994

S.Velusamy .. Petitioner

-Vs-

1.The Registrar of Co-operative
Societies, Kilpauk, Madras-10.

2.The Joint Registrar of Co-operative
Societies, Trichy Region
Government Multi Storeyed Office
Building, Khajamalai, Trichy.

3.The Deputy Registrar of Co-operative
Societies, Karur Circle
Dindigul Road, Karur, Trichy Dist.

4.The Special Officer
Karur Co-operative Marketing
Society, 81-83, Jawahar Bazar
Karur, Trichy District. .. Respondents

Petition under Article 226 of the Constitution of India praying for
the issue of a writ of Certiorarified Mandamus as stated therein.

For Petitioner : Mr.M.Jayachandran
For Respondents : Mr.M.Liaquat Ali
RR 1 to 3 : Addl.Govt.Pleader
For R4 : Mr.P.Chandrasekaran

: O R D E R

This writ petition is for a writ of certiorarified mandamus. The
petitioner was working as a salesman in the ration shop from 1979. On
30.1.1991, a charge memo came to be issued to him alleging bogus bills,
misappropriation, stock deficit and short weightages. An enquiry was
conducted and ultimately the charges were found to be proved and thereafter he
was terminated from service. Statutory revision filed by him was also
rejected. Under the circum stances, the present writ petition has been filed

challenging the order of termination passed by the fourth respondent dated 28.11.1992 as confirmed by the order of the second respondent dated 28.6.1994 made in Revision Petition No.3 /93 invoking Section 153 of the Tamil Nadu Co-operative Societies Act, 1983 and to quash the order of the second respondent dated 28.6.1994 and also to direct the respondents to reinstate the petitioner as a salesman of the fourth respondent society.

2. Learned counsel for the petitioner has submitted that three other similarly placed persons by name Robin Charles, Manohar and R. Thiyagarajan were not given the same punishment even though they were also found guilty of the same charges as that of the petitioner. With respect to Robin Charles, a charge memo dated 4.01.1993 was issued for charges such as bogus bill, misappropriation and stock deficit. With respect to Manohar, charge memos dated 28.1.1993 and 3.11.1992 came to be issued for charges such as bogus bill, misappropriation and stock deficit. With respect to Thiyagarajan, a charge memo dated 4.01.1993 was issued for charges such as short weightages, bogus bill and misappropriation. Enquiry was conducted against all these persons and the enquiry officer found them guilty of all the charges.

3. It is revealed by the typed set of papers that by an order dated 16.5.1993, the said Robin Charles was awarded stoppage of two increments. With respect to Manoharan, by an order dated 17.5.1993 stoppage of two increments was awarded. With respect to Thiyagarajan, by an order dated 17.5.1993, stoppage of two increments was awarded. However, with respect to the petitioner alone, an order of termination was passed. All the aforementioned orders were passed by one and the same officer by name Rajagopal, who was the Deputy Registrar/Special Officer.

4. When four different persons were charged with similar nature of violation of rules, punishment awarded also should be the same. One cannot be discriminated against the another. From the records, it is seen that similar charges were framed against all the four persons, but the petitioner alone was given the very severe punishment viz., termination of service. Therefore, this order of termination is to be set aside on the ground of violation of equality in administering the law. This order has been passed by unequal hands. Therefore, the order of termination is set aside and the writ petition is allowed. No costs. Consequently, connected W.M.P.No.32652 of 1994 is closed. The petitioner shall be reinstated without back wages, but with continuity of service and all other benefits.

A.K.RAJAN, J.

28.2.2002

kst.

Index : Yes

Website : Yes

To :

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