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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.10.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Appeal (MD) No.1092 of 2015

& MP(MD).No.1 of 2015

K.M.Rajendran

.. Appellant/Petitioner

Vs.

1.The Joint Registrar Co-operative Societies,
Sivagangai
Sivagangai District.

2.The Special Officer,
Consumer Co-operative whole sale stores,
Sivagangai
Sivagangai District.

.. Respondents/Respondents

Writ Appeal filed under Section 15 of Letters Patent Act against the order dated 15.11.2011 passed in WP(MD)No.2315 of 2011 by this Court.

Prayer in WP(MD). 2315/ 2011 :

Petition filed under Article 226 of the Constitution of India, praying for the issuance of WRIT OF CERTIORARI/ MANDAMUS, calling for the records of 2nd Respondent dated 04-06-2007 vide No.Na.Ka.No.305/K.Pa.Pi and consequential order in No.Na.Ka.4350/2009 Sa.Pa. dated 29-09-2009 on the file of the 1st Respondent and quash the same and reinstate the Petitioner in his service.

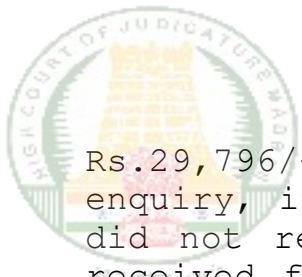
For Appellants	: Mr.R.Saravanan
For Respondents	: Mr.B.Pugalendhi
	Spl.Govt.Pleader

JUDGMENT

(Judgment of the Court was delivered by **R. SUDHAKAR, J.**)

This writ appeal is directed against the order passed by the learned single Judge in WP(MD)No.2315 of 2011 dated 15.11.2011.

<https://hcservices.ecourts.gov.in/hcservices/> 2. The appellant who was a salesman in the second respondent Co-operative Wholesale Store, Sivagangai charged with misappropriation of funds in stock deficit to the tune of



Rs.29,796/- and Rs.54,394/-. Enquiry was ordered and in that enquiry, it was found that the appellant after selling commodities did not remit the amount to the Society and no explanation was received from him, when he was charge sheeted. Therefore, he was terminated as per procedure. However, the amount misappropriated by the appellant was paid back. Thereafter, the appellant filed a revision before the first respondent stating that the appellant was infected by AIDS and after treatment he has completely cured and he was fit to discharge his work. However, the revisional authority rejected the plea raised by the appellant stating that the appellant having paid the misappropriated amount, did not make any defence before the domestic enquiry.

3.The learned Single Judge thought it fit not to interfere with the case of misappropriation of fund holding that there is no legal infirmity or irregularity in the order of termination. We find no error in the order of the learned Single Judge or in the order of revisional authority upholding the termination in a case of misappropriation of fund by the appellant. The fact that he has paid the amount at the stage of revision is another issue for which the appellant can make a request to the authority to reconsider, if permissible in law.

4.We find no merit in the appeal. Accordingly, the writ appeal is dismissed. Connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

1.The Joint Registrar Co-operative Societies,
Sivagangai
Sivagangai District.

2.The Special Officer,
Consumer Co-operative whole sale stores,
Sivagangai
Sivagangai District.

+1cc to Mr.R.Saravanan,Advocate Sr.No.62756

mj

AA/ARK/16.11.2015/2p-4c