

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2017

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.18605 of 2016
and WMP.Nos.16300 & 16301 of 2016

V.Chinnathambi

...Petitioner

Vs

The Deputy Registrar of Co-operative Societies,
Maduranthagam Circle,
Thendrayan Street, Maduranthagam,
Kancheepuram District.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the respondent in Surcharge Order No.1/2015-2016 A3 (Na.Ka.1382/2015 A3) dated 10.5.2016 and quash the same.

For Petitioner : Ms.Hemalatha
for Mr.C.Prakasam
For Respondent : Mr.V.Selvaraj
Additional Government Pleader

ORDER

The petitioner has filed this Writ Petition challenging the impugned Surcharge Order No.1/2015-2016 A3 (Na.Ka.1382/2015 A3) dated 10.5.2016, passed by the respondent-Deputy Registrar of Co-operative Societies, Madhuranthagam Circle.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent and perused the materials available on record.

3. According to the petitioner, he was appointed as a Secretary in the Veppancherry Primary Agricultural Co-operative Credit Society, Veppancherry in the year 1978, and on attaining superannuation, he retired from service on 30.09.2014. Since no disciplinary proceedings or surcharge proceedings were pending against him, the Board of Directors has passed a resolution to disburse his retirement benefits. Accordingly, his retirement

benefits of Rs.11,64,047/- were paid from the said Society fund. Thereafter, in pursuance of the inspection conducted by the respondent under Section 82 of the Tamil Nadu Co-operative Societies Act, it was observed that there was a shortfall in payment of interest to the Central District Co-operative Bank by the Veppancherry Primary Agricultural Co-operative Credit Society, in connection with the jewel loan account, which according to the respondent, was due to the disbursement of retirement benefits to the petitioner from the Society's fund. Therefore, the respondent, vide surcharge proceedings impugned in the writ petition, has directed to recover a sum of Rs.2,62,086/- along with interest @ 14% from the petitioner and seven other staff members of the said Society, from the date of the order till payment is made forthwith. Aggrieved by the said impugned proceedings, the petitioner is before this Court.

4. The learned Additional Government Pleader appearing for the respondent would submit that the petitioner has approached this Court without exhausting the remedy available to him under Section 152 of the Tamil Nadu Co-operative Societies Act. Therefore, the present Writ Petition is not maintainable.

5. This Court, having considered the facts of the case, as rightly pointed by the learned Additional Government Pleader that the petitioner is having an alternative appeal remedy under Section 152 of the Tamil Nadu Co-operative Societies Act, the writ petition cannot be entertained by this Court, when there is an alternative remedy available to the petitioner. Accordingly, the Writ Petition is dismissed. However, liberty is granted to the petitioner to file an appeal under Section 152 of the Tamil Nadu Co-operative Societies Act, if so advised, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ds

To:

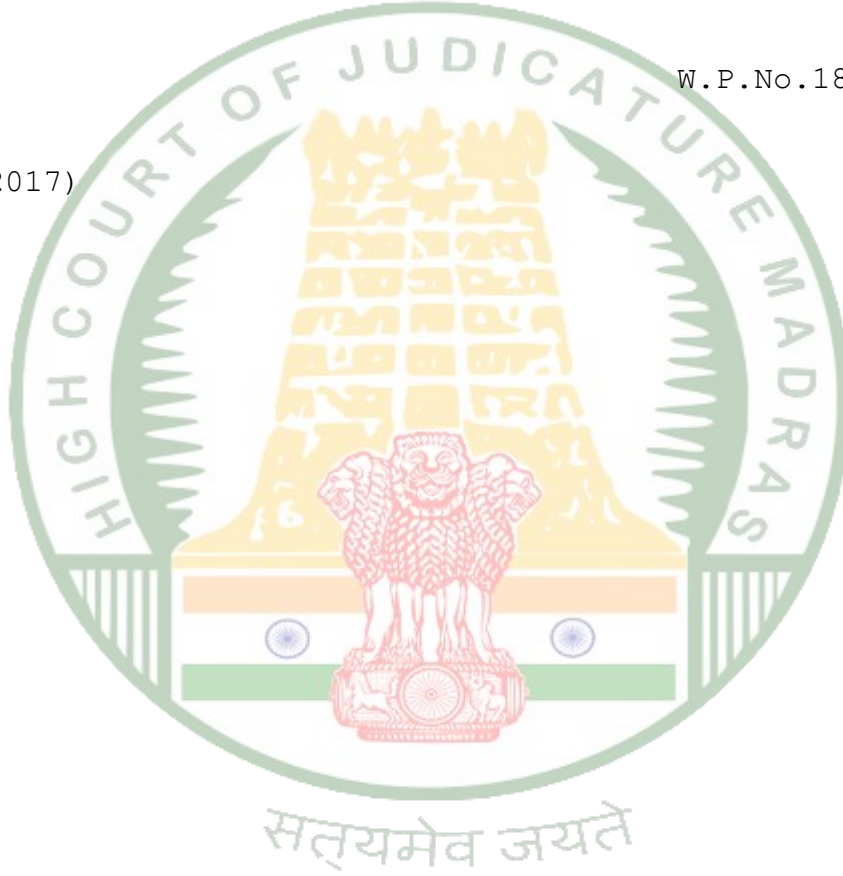
The Deputy Registrar of Co-operative Societies,
Maduranthagam Circle,
Thendrayan Street, Maduranthagam,
Kancheepuram District.

+lcc to the Government Pleader Sr. 22691

+lcc to Mr.C.Prakasam, Advocate Sr. 22280

W.P.No.18605 of 2016

VR(13/06/2017)



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