

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2017

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.2666 of 2013 and
MP.No.1 of 2013

S.P.Raghunathan

..Petitioner

Vs.

1. The Deputy Registrar of
Cooperative Societies,
Dharmapuri
2. The Special Officer,
Pennagaram Primary Agricultural
Cooperative Bank,
Pennagaram
3. The Cooperative Tribunal
(Principal District Judge),
Dharmapuri District,
Dharmapuri

...Respondents

PRAYER:

The Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorari calling for the records of the third respondent relating to CMA (CS) 61 of 2008 culminating in the order dated 30.09.2009 quash the same.

For petitioner : Mr.Saravanakumar
for Mr.I.Abrar Mohamed Abdullah
For Respondents : Mrs.T.Girija,
Government Advocate for R1
: Mrs.D.Kalaiselvi
for Mr.S.Sivashanmugam for R2
: R3 - Tribunal

ORDER:

By consent of both the parties, the writ petition is taken up for final disposal.

2. According to the petitioner, the petitioner is working as the Special Officer of the second respondent bank. The first respondent ordered for inspection of the said bank and the enquiry report had revealed that the petitioner has deposited the petitioner's bank's funds to the tune of Rs.7,00,000/- in the Pennagaram Agricultural Producer Cooperative Marketing Society resulting to monetary loss to the second respondent bank. Hence, the second respondent initiated surcharge proceedings under Section 87 of the said Act and passed an award. Aggrieved by the award, the petitioner filed an appeal on the file of the third respondent and the same was dismissed. Challenging the said order, the petitioner has filed the present writ petition before this Court.

3. At this stage, the learned counsel for the petitioner would submit that under similar circumstances, the other employee Thiru.Manokaran has filed an appeal and the same was allowed. Challenging the same, the society has filed a writ petition in WP.No.23085 before this Court, wherein the third respondent placed a letter dated 18.07.2016 informing that the entire amount has been recovered from the society and by recording the said letter, the aforesaid writ petition was disposed of. The same surcharge order involves in the present writ petition. Therefore, the said letter issued by the society dated 18.07.2016 is also placed before this Court and the same may be recorded.

4. Recording the said letter, the writ petition is dismissed with liberty to the second respondent bank that if any balance amount to be recovered, the bank shall proceed in accordance with law. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

lok

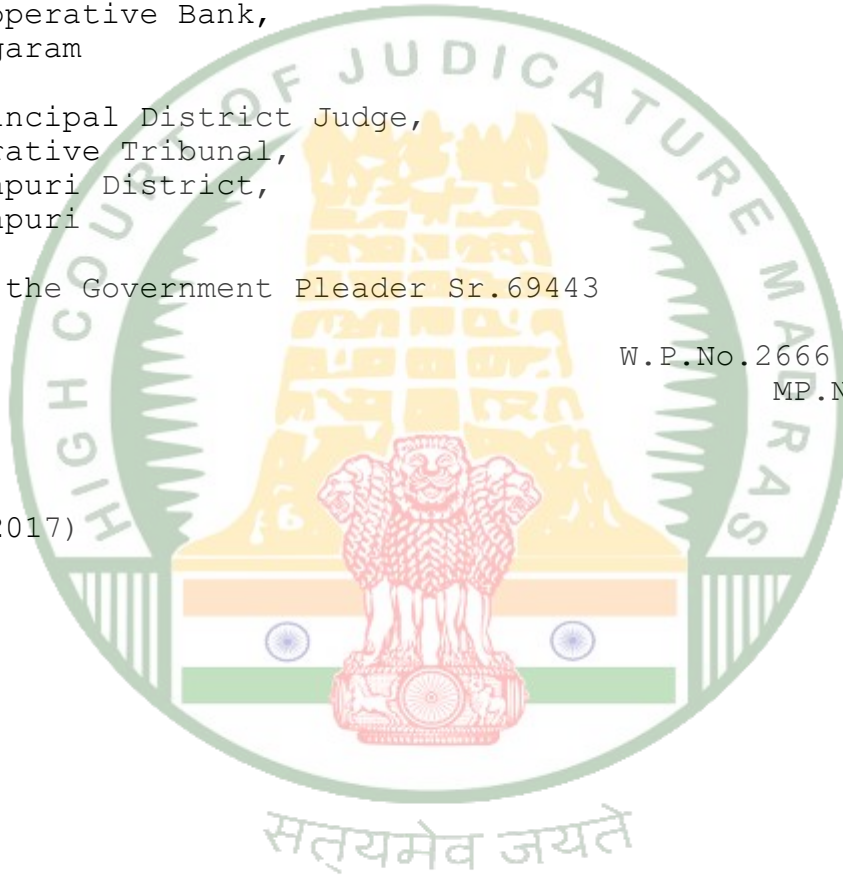
To

1. The Deputy Registrar of
Cooperative Societies,
Dharmapuri
2. The Special Officer,
Pennagaram Primary Agricultural
Cooperative Bank,
Pennagaram
3. The Principal District Judge,
Cooperative Tribunal,
Dharmapuri District,
Dharmapuri

+ 1 cc to the Government Pleader Sr.69443

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GMI (CO)
EU(17/11/2017)



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