

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2017

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.23552 of 2004

And

W.P.M.P.No.28521 of 2004

G.Venkatesan

... Petitioner

Vs.

1.The Co-operative Sub-Registrar/ Inspection
Office of the Joint Registrar of Co-operative Societies,
Tripattur.

2.C.2518 Koodapattu,
Primary Agricultural Co-operative Bank Ltd.,
Rep. by its Special Officer
Tirupathur Taluk,
Vellore Dist.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the order of the 1st respondent dated 23.07.2004 in Surcharge No.3/2004-05 Sapa and quash the same.

For Petitioner : Mr.K.Selvaraj
For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader (Co-op.)

ORDER

The petitioner has filed this writ petition challenging the order of

the first respondent dated 23.07.2004, wherein, sur-charge order was passed against the petitioner.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. The petitioner was appointed as Attender in the second respondent bank in the year 1986 and was promoted as Senior Clerk in the year 1990 and was further promoted as Assistant Secretary in the year 1993. The petitioner was also incharge of the post of Secretary from the year 1998 to 2002. While so, the petitioner was placed under suspension on 24.11.2003. The petitioner was issued with a notice stating that from the enquiry conducted under Section 81 of the Tamil Nadu Co-operative Societies Act, it is found that the petitioner has caused loss to the tune of Rs.91,500/- to the society by not following the proceedings of the society and by not maintaining proper accounts of the society and he was also directed to pay the same with the interest amount of Rs.44,019/-. Thereafter, surcharge proceedings has been initiated. Finally, the first respondent passed the surcharge proceedings against the petitioner and this order is impugned in this writ petition.

4.The learned Special Government Pleader appearing for the respondents would submit that as against the surcharge proceedings, alternative remedy under Section 152 of the Tamil Nadu Co-operative Societies Act is available to the petitioner.

5.In view of the above, this writ petition is dismissed with liberty to the petitioner to approach the appropriate forum for the alternative remedy available under the Act. The petitioner is directed to file the appeal within a period of two weeks from the date of receipt of a copy of this order. The period while this writ petition was pending before this Court may be excluded for the purpose of limitation. No costs. Consequently, the connected miscellaneous petition is also closed.

6.Registry is directed to return the original impugned order to the learned counsel appearing for the petitioner after obtaining due and proper acknowledgment.

WEB COPY

12.09.2017

pri
Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

Note: Registry is directed to return the original impugned order to the learned counsel appearing for the petitioner after obtaining due and proper acknowledgment.

M.DHANDAPANI,J.
pri

To

- 1.The Co-operative Sub-Registrar/ Inspection
Office of the Joint Registrar of Co-operative Societies,
Tripattur.
- 2.C.2518 Koodapattu,
Primary Agricultural Co-operative Bank Ltd.,
Rep. by its Special Officer
Tirupathur Taluk,
Vellore Dist.



W.P.No.23552 of 2004
And
W.P.M.P.No.28521 of 2004

WEB COPY

12.09.2017