

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 30.11.2017

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU**C.R.P. (NPD) (MD) .No.1301 of 2014****and****M.P. (MD)No.1 of 2014**

V.Sounder Rajan

... Petitioner/Appellant/Petitioner

Vs.

1. The Deputy Registrar of Co-operative Societies Office,
represented by the Deputy Registrar,
Trichy Circle,
Tiruchirapalli. ... 1st Respondent/Respondent

2. Srirangam Co-operative Urban Bank,
represented by its Special Officer,
43, South Chitirai Street,
Srirangam,
Tiruchirapalli District. ...2nd Respondent/Respondent/ Respondent

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India to call for the records and set aside the order passed in Civil Miscellaneous Appeal No.55/2010-2011 dated 08.01.2013 on the file of the Principal District Judge, Tiruchirapalli and by the first respondent in ARC.No.15/2010 dated 04.08.2011 and consequently, directing the second respondent herein to pay a sum of Rs.3,33,766.94 along with interest within a time frame that may be stipulated by this Court.

For Petitioner : Mr.S.C.Herold Singh
For R1 : Mr.J.Gunaseelan Muthiah
Government Advocate
For R2 : Mr.K.Mariappan

O R D E R

The Civil Revision Petition has been filed to call for the records and set aside the order passed in Civil Miscellaneous Appeal No.55/2010-2011, dated 08.01.2013 on the file of the Principal District Judge, Tiruchirapalli and by the first respondent in ARC.No.15/2010, dated 04.08.2011 and consequently, directing the second respondent herein to pay a sum of RS.3,33,766.94 along with interest within a time frame that may be stipulated by this Court.



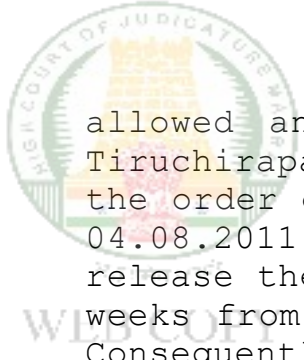
2. The petitioner was working in the second respondent's Society as Office Assistant and criminal action was taken against the petitioner as there were some irregularities in issuing the consumer loans. On recommendation of the District Committee, he was relieved from service without prejudice to the pending criminal case and he was not allowed to retire from service on 30.11.2008. Hence, the petitioner filed an application before the Deputy Registrar of Co-operative Societies, Tiruchirapalli under Section 90(1)(c) of Co-operative Societies Act to order payment of the Provident Fund Amount of Rs.3,33,766.94 to him. The Deputy Registrar of Co-operative Societies has dismissed the petition stating that the petition is not maintainable under Section 90(1) of the Act and directed the petitioner to move the Controlling Authority Assistant Commissioner of Provident Fund Office under Section 7(A) of the Provident Fund Act. Against the said order, he has preferred an appeal before the Principal District Judge, Tiruchirapalli. The point for consideration in this matter is whether the order passed by the Deputy Registrar of Co-operative Societies is sustainable or not. The learned Principal District Judge, Tiruchirapalli has dismissed the matter stating that the claim of the petitioner is regarding service matter and the observation of the Deputy Registrar that the appellant cannot claim the amount under Section 90 of the Act is correct.

3. The learned counsel for the petitioner would submit that the learned Principal District Judge, Tiruchirapalli, without considering the contentions raised by the learned counsel for the petitioner, has simply confirmed the order of the Deputy Registrar and the order is cryptic order and hence, the petitioner has approached this Court by filing the Civil Revision Petition.

4. As per the directions of this Court, the learned Government Advocate appearing for the first respondent has produced the report stating that all loan amount disbursed has been collected and the criminal case has not come for trial.

5. Admittedly, the Deputy Registrar has given the complaint against the petitioner that he has committed certain irregularities in issuing consumer loans, whereas the petitioner is only an Office Assistant and issuing of loan does not come under the purview of Office Assistant. It is an unfortunate case that the petitioner attained the age of superannuation on 30.11.2008 and the Provident Fund amount has not been given to him. He was also not allowed to retire from service without prejudice to the criminal case which was pending against him.

6. Considering the fact that the petitioner is an Office Assistant and the Deputy Registrar has no power to release any loan and the loan disbursed has been recovered in full, this Court is inclined to set aside the order. Accordingly, the Civil Revision Petition is



allowed and the order passed by the Principal District Judge, Tiruchirapalli in C.M.A.(MD).No.55/2010-2011, dated 08.01.2013 and the order of the first respondent in A.R.C.No.15 of 2010-11, dated 04.08.2011 are set aside and the second respondent is directed to release the P.F. amount of Rs.3,33,766.94 within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

1. The Deputy Registrar of Co-operative Societies Office, represented by the Deputy Registrar, Trichy Circle, Tiruchirapalli.
2. Srirangam Co-operative Urban Bank, represented by its Special Officer, 43, South Chitirai Street, Srirangam, Tiruchirapalli District.

+1cc to Mr.S.C.Herold Singh, Advocate Sr.No.90508

AKV

VB/JC/SAR3/17/01/2018/3P/4C

C.R.P. (NPD) (MD) .No.1301 of 2014
30.11.2017