



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2018

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH

AND

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

W.A. (MD) No.245 of 2015

and M.P. (MD) No.1 of 2015

Maruthanayagam

... Appellant/Petitioner

Vs.

- 1.The Joint Registrar,
Co-operative Society,
Collectorate Compound,
Karur.
- 2.The Deputy Registrar,
Co-operative Society,
Railway Station Road,
Kulithalai.
- 3.Farmer Service Co-operative Society,
Represented by its President,
Farmer Service Co-operative Society,
T.Marudur, Marudur Post,
Marudur,
Kulithalai Taluk,
Karur District.

... Respondents/Respondents

Writ Appeal filed under Clause 15 of Letter Patent against the order passed by this Court in W.P.(MD)No.18945 of 2014 dated 25.11.2014.

Prayer in WP(MD). 18945/ 2014 :

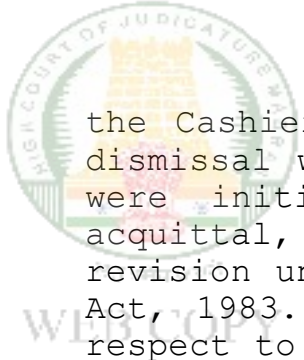
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records of the 1st Respondent s order in (Na.Ka. No. 197/2012/Saba) Seeraivu Manu No. 1/12 dated 06.11.2012 and quash the same as illegal in respect of order of dismissal and direct the 3rd Respondent to give all benefits such Pension, Provident Fund, Gratuity and backwages salary from the year 1992 to 30.06.2009 to the Petitioner.

For Appellants : Mr.S.Muthukrishnan

For Respondents : Mr.N.Shanmugaselvam
Additional Government Pleader
JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J)

The appellant was working as the Secretary of the Farmer Service Co-operative Society in T.Marudur. Charges have been framed against him on the ground that for the jewel loans given, deposits were made with duplicate ones and in some accounts there were no jewels at all. The appellant was supposed to have a key along with



the Cashier. Enquiry was conducted, pursuant to which an order of dismissal was passed. Simultaneously proceedings under criminal law were initiated in which the appellant was acquitted. After acquittal, the appellant approached the first respondent seeking revision under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983. While dismissing the revision an order was passed with respect to the retiral benefits subject to the circulars governing payment of retiral benefits. Challenging the same, the petitioner has approached this Court with the writ petition. The learned Single Judge after having found that no case has been made out in favour of the appellant was pleased to dismiss the writ petition and hence the present Writ Appeal.

2.The learned counsel for the appellant would submit that no proceedings were initiated against the President of the Co-operative Society. The appellant was acquitted in the criminal case. Merely because the appellant was the Secretary, proceedings cannot be maintained.

3.We find no merit in this appeal. Admittedly, the appellant was provided all opportunities after framing charges. Charges are very specific against the appellant. He was in charge of the society. It is nobody's case that jewels were actually found and duplicate jewels were not kept in its place. The appellant was supposed to have a key along with the Cashier. All the charges have given factual findings. This Court does not find any error in the process adopted by the respondents. A mere acquittal in the criminal case per se will not make the appellant get discharged from the departmental proceedings. Thus, we do not find any merit in the appeal.

4.Accordingly, the Writ Appeal stands dismissed. Respondent No.1 is directed to give effect to his order dated 06.11.2012, in respect of the payment due to the appellant as per the circulars of Co-operative Registrar within a period of eight weeks from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is also dismissed. No costs.

Sd/

Assistant Registrar (Crl Side)

/True copy/

Sub Assistant Registrar(CS-I)

To

1.The Joint Registrar,
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Karur.

2.The Deputy Registrar,
Co-operative Society,
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Kulithalai.



3. Farmer Service Co-operative Society,
Represented by its President,
Farmer Service Co-operative Society,
T. Marudur, Marudur Post,
Marudur,
Kulithalai Taluk,
Karur District.

+1cc to Mr. S. MUTHUKRISHNAN, Advocate, SR.No.83408

W.A. (MD) No.245 of 2015
and M.P. (MD) No.1 of 2015
10.09.2018

SJ
KK/RSK/SAR-1/24.10.2018/3P-5C