



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHANC.R.P.(MD).No.1931 of 2016

T.V.Krishnan ... Revision Petitioner/1st Appellant
Vs.

1. J.Thiruchelvam ... 1st Respondent/2nd Appellant

2. The Deputy Registrar of Co-operative
Societies, (Housing),
Tirunelveli.

3. Srivaikuntam Taluk Co-operative Housing
Society Ltd.,
Through its Special Officer. .. Respondents 2&3/Respondents

PRAYER : Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, to set aside the order dated 27.06.2013 passed in C.M.A.(CS)No.21 of 2011 on the file of the Principal District Judge, Thoothukudi.

For Petitioner	: Mr.G.Prabhu Rajadurai
For R-2	: Mr.J.Gunaseelan Muthiah
For R-1	: No appearance.
For R-3	: No such Address

O R D E R

The Revision petitioner was an employee in the third respondent housing society. The second respondent herein by order dated 07.09.2011, passed an order under Section 87 of the Tamil Nadu Co-operative Societies Act, for recovering a sum of Rs.3,89,700/- from one Thiruselvam and the Revision petitioner T.V.Krishnan. Both the employees filed C.M.A.(C.S.)No.21 of 2011 before the learned Principal District Judge/Special Tribunal for Cooperative Cases, Thoothukudi. During the pendency of the appeal proceedings before the Co-operative Tribunal, the said Thiruselvam has already been exonerated from the departmental action. Taking note of the same, the Co-operative Tribunal set aside the surcharge order insofar as Thiruselvam was concerned, but sustained the surcharge order insofar as T.V.Krishnan was concerned. Questioning the same, T.V.Krishnan has filed this Civil Revision petition.



2. Heard the learned counsel on either side.

3. The learned counsel appearing for the Revision petitioner drew the attention of this Court to the order dated 18.11.2013 passed by the President of the third respondent Society exonerating the T.V.Krishnan also. When the surcharge order was set aside by the Tribunal in respect of Thiruselvam in view of the exoneration order, applying the very same logic, surcharge order against the Revision petitioner also cannot survive.

4. In this view of the matter, the order impugned in this Civil Revision petition is set aside. The Civil Revision petition stands allowed, accordingly. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Principal District Judge,
Thoothukudi.

2. The Record Keeper, V.R.Section, (2 copies)
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.G.Prabhu Rajadurai, Advocate Sr.No.88251

PMU

VB/RP/SAR1/19.11.2018/2P/5C

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