



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2018

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WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (NPD) (MD) .Nos.863 & 909 of 2016

C.R.P. (NPD) (MD) No.863 of 2016

The Deputy Registrar of
Tamil Nadu Co-operative Societies,
Thanjavur Having office at Thanjavur Circle,
Thanjavur Town and Munsifi. ... Petitioner/1st Respondent

Vs.

1. C.Nagarajan
2. Amsavalli
3. A.V.Raman
4. Muthu Aattralazhagan
5. R.Pasupathi
6. M.Mahalingam
7. K.Krishnamoorthy
8. D.Mathiyazhagan
9. V.S.Ramakrishnan
- 10.C.Dharmaraj
- 11.Chandra
- 12.Malarvizhi
- 13.A.Kannan
- 14.G.Amsavalli
- 15.C.Josphin Rani
- 16.V.Gunavathi

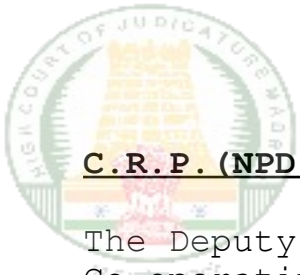
... Respondents/Appellants 1 to 16

- 17.The Special Officer,
Thiruvaiyaru Rural Co-operative Bank Credit Societies,
Thiruvaiyaru Town and Munsifi.

18. A.V.Ramachandran
19. V.Periyasamy
20. V.Packiri

... Respondents/Respondents 2 to 4

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order passed in C.M.A.(CS) No.23 of 2011, dated 30.11.2015 on the file of the learned Principal District Judge, Thanjavur District and to confirm the proceedings of the Deputy Registrar dated 03.01.2011 in Na.Ka.No.2260/2010 Sa.Pa.

**C.R.P. (NPD) (MD) No.909 of 2016**

The Deputy Registrar of
Co-operative Societies,
Thanjavur Shivaji Nagar,
Thanjavur Town and Munsifi.

... Petitioner/2nd Respondent

Vs.

1. V.Periyasamy

... Respondent/Appellant

2. The Special Officer cum Secretary,
T.1326, Thiruvaiyaru Agricultural
Co-operative Bank Ltd.,
Thiruvaiyaru Town and Munsifi.

... Respondent/ 1st Respondent

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order passed in C.M.A.(CS) No.31 of 2011, dated 30.11.2015 on the file of the learned Principal District Judge, Thanjavur District and to confirm the surcharge proceedings of the Deputy Registrar dated 03.01.2011 in Na.Ka. No.2260/2010 Sa.Pa.

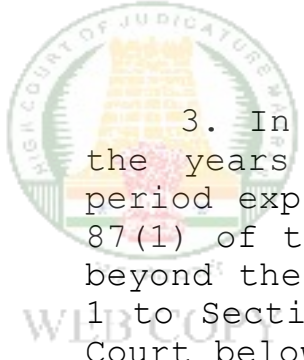
(in both C.R.Ps.)

For Petitioner : Mr.J.Gunaseelan Muthaiah,
Additional Government Pleader.

COMMON ORDER

The contesting respondents in both the Civil Revision petitions were visited with surcharge orders. They filed appeals before the learned Principal District Judge, Thanjavur, in CS-C.M.A.Nos.23 and 31 of 2011. Both the appeals were allowed by the learned Principal District Judge, Thanjavur, by the impugned order dated 30.11.2015. They are under challenge in these Civil Revision petitions.

2. The learned Additional Government Pleader appearing for the Revision petitioner reiterated the grounds set out in the Revision petition. This Court however is unable to agree with the said contentions of the learned Additional Government Pleader. This is because, as rightly pointed out by the learned Principal District Judge, Thanjavur, a surcharge action will have to commence within seven years from the date of commission or omission referred to Section 8(1) of Tamil Nadu Co-operative Societies Act.



3. In this case the offending acts had been committed during the years 1996 to 2001. Therefore, the seven years limitation period expired by 2008. Even the show cause notice under Section 87(1) of the Act was issued only in the year 2010. It was clearly beyond the limitation period of seven years prescribed in Proviso 1 to Section 87 of the Act. Therefore, the orders passed by the Court below allowing the appeals filed by the delinquent employees are definitely correct and sound in law. There is no case made out for interference.

4. The Civil Revision petitions stand dismissed, accordingly. No costs.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Principal District Judge,
Thanjavur District.
2. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

PMU
TE/RSK/SAR-2 : 06/09/2018 : 3P/4C

COMMON ORDER MADE IN
C.R.P. (NPD) (MD) .Nos.863 & 909 of 2016
09.08.2018