

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.07.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 6715 of 2009

1.A.K.mani

2.M.Mani

3.Anbalagan

4.Balakrishnan

5.Parasuvanathan

6.Muthumanikkam

7.Padmini

...Petitioners

Vs

1. The Deputy Registrar
Tamil Nadu Co-operative Societies
Dindivanam

2. The Special Officer,
Gingee Agricultural Producers Co-operative
Marketing Society,
Gingee

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ order or direction in the nature of writ of Certiorarified Mandamus, calling for the records relating to the Decree and judgment dated 15.12.2008 made in C.M.A.(CS).No.42 of 2003 on the file of (Co-op Principal District Judge, Villupuram District, Villupuram in confirming the order made in Na.Ka.No.4958/2001/Ku.Na dated 18.06.2003 passed by the 1st respondent and quash the same and forbear the respondents from initiating any action to recover the amount from the petitioners.

For Petitioners : Mr.G.Ethirajalu

For Respondents : M/s.T.Girija
Government Advocate.

O R D E R

The prayer sought for herein in this Writ Petition is for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Decree and judgment dated 15.12.2008 made in C.M.A.(CS).No.42 of 2003 on the file of Co-op Principal District Judge, Villupuram District, Villupuram in confirming the order made in Na.Ka.No.4958/2001/Ku.Na dated 18.06.2003 passed by the 1st respondent and quash the same.

2. The petitioners are the erstwhile board members in the 2nd respondent Society during the year 1996 onwards, till it has been abolished. The 1st respondent herein initiated proceedings under section 82 of the Tamil Nadu Co-operative Societies Act against the petitioners and other employees of the societies, holding that the salary of them was revised arbitrarily, without Jurisdiction under Section 12(3) of the Industrial Disputes Act on 30.08.2000 and the same caused loss of Rs.2,59,131/- to the Society. The first respondent herein belatedly initiated surcharge proceedings under Section 87(1) of the Societies Act to recover the aforesaid sum from them. The petitioners submitted their explanations stating that the claim made by the respondents is barred by limitation and the settlement amount arrived by the Labour Officer under Section 12 (3) of the Act cannot be questioned by the Authorities. Thereafter, the first respondent passed an award dated 18.06.2003 directing the petitioners and others to pay the amount jointly and severally. Aggrieved by the same, the petitioner filed an appeal before the Principal District Judge (Appellate Tribunal), Villupuram District in CMA (CS) No.42 of 2003. The Tribunal also confirmed the proceedings of the 1st Respondent by an order dated 15.12.2008. Challenging the same, the present Writ Petition is filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner may be permitted to pay the surcharge amount of Rs.2,59,131/-, without interest for the due period.

4. The learned Government Advocate appearing for the respondents on instructions would submit that though the Award was passed in the year 2003, till date, the petitioner did not pay the said amount and therefore, he prayed this Court to dismiss the present Writ Petition.

5. In view of the above submissions, this Court is inclined to direct the petitioner to pay the amount of Rs.2,59,131/-, without interest, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above terms, the present writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

kmm

To

1. The Deputy Registrar
Tamil Nadu Co-operative Societies
Dindivanam
2. The Special Officer,
Gingee Agricultural Producers Co-operative
Marketing Society,
Gingee.

+lcc to Mr.Ethirajulu, Advocate Sr.65128

+lcc to the Government Pleader Sr.65465

सत्यमेव जयते

W.P.No. 6715 of 2009

mg[co]
srg 04/10/2019

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