



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NO.17715 OF 2021

AND

W.M.P.NO.18879 OF 2021

(Through Video Conferencing)

Sudha

... Petitioner

.Vs.

1. The Deputy Registrar of
Co-operative Societies,
Order of the Deputy Registrar of
Co-operative Societies,
Tiruchengode Circle,
Tiruchengode,
Namakkal District.
2. The Managing Director,
No.8994, Tiruchengode Co-operative
Urban Bank Ltd.,
Tiruchengode,
Namakkal District.

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of first respondent dated 29.06.2021 passed in Form 13 by invoking Rule 122 of the Tamil Nadu Co-operative Societies Rules 1988 and the second respondent impugned order dated 29.07.2021 and quash the same, consequentially issue direction directing the respondents to reimburse the amount deducted from the petitioner's salary by considering petitioner's explanation dated 25.06.2021.



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For Petitioner : Mr.R.Marudhachalamurthy

For Respondents

For R1 : Mr.L.S.M.Hasan Fizal
Government Advocate

For R2 : Mr.S.Arumugam
Government Advocate

ORDER

The petitioner has challenged the impugned surcharge order passed by the second respondent in this writ petition.

2. It is submitted that a surcharge proceedings has been initiated against the petitioner, which has culminated in an order dated 10.04.2019 passed of the first respondent/Deputy Registrar of Co-operative Societies. It is further submitted that the petitioner has challenged the same in C.M.A(CS).No.10 of 2019 before the Principal District Judge and Special Tribunal for Co-operative Societies for Namakkal District.

3. It is submitted that during the pendency of the aforesaid appeal filed by the petitioner, impugned recovery proceedings have been initiated by the second respondent.

4. The learned Government Advocate for the respondents submits that the dispute pertains to the year 2015 and since in the surcharge proceedings, the onus has been fixed on the petitioner, the respondents were justified to order recovery of the same in absence of a stay.

5. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

6. The fact that the petitioner has filed C.M.A(CS).No.10 of 2019 before the Principal District Judge and Special Tribunal is not in dispute. The status of case in the Court website indicates that the said case is being adjourned and is awaiting for the records from the respondents. The next date of hearing is fixed on 29.09.2021.

7. Considering the same, this Court is inclined to dispose this Writ Petition by quashing the impugned surcharge order with liberty to initiate fresh recovery proceedings subject to the final outcome of the appeal in C.M.A(CS).No.10 of 2019. The Tribunal shall endeavour to complete the proceedings within a



period of six months from the date of receipt of a copy of this order.

8. This Writ Petition stands disposed of with the above observations. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

arb

To

1. The Deputy Registrar of
Co-operative Societies,
Order of the Deputy Registrar of
Co-operative Societies,
Tiruchengode Circle,
Tiruchengode,
Namakkal District.
2. The Managing Director,
No.8994, Tiruchengode Co-operative
Urban Bank Ltd.,
Tiruchengode,
Namakkal District.
3. The Court of the Principal District Judge
and Special Tribunal (Co-Operative Cases),
Namakkal District.

+1cc to Mr.R.Marudhachalamurthy, Advocate, S.R.No.42386
+1cc to the Government Pleader, S.R.No.43000

W.P.NO.17715 OF 2021 AND
W.M.P.NO.18879 OF 2021

PMK(CO)
PBS/21/09/2021