



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2021

CORAM:

THE HONOURABLE MRS.JUSTICE S. SRIMATHY

W.P(MD) No. 19375 of 2017

and

W.M.P. (MD)No.15701 of 2017

and

W.M.P(MD)No.17178 of 2018

The President,
Thili, Thani 52, Kayathar Primary Agricultural
Credit Co-operative Society,
Kayathar - 628 952,
Tuticorin - 628008.

...Petitioner

vs

1. The Joint Registrar of Co-operative Society,
Tuticorin Division,
Tuticorin District.

2. N.Kanthammal. : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of to issue a Writ of Certiorari, to call for the records on the files of the first respondent pertaining to its order in revision petition No.2/2015, dated 29.08.2017 ant to quash the same as illegal.

For Petitioner : Mr.S.C.Herold D Singh

For Repspondents : Mr.D.Sachikumar for R1
Additional Government Pleader
Mr.V.O.S Kalaiselvam for R2

O R D E R

The petitioner, namely the Primary Agricultural Credit Co-operative Society, Kayathar has filed this petition challenging the revision order passed by the first respondent, who is the Joint Registrar of Co-operative Society.

2. The brief facts of the case are that the second respondent, vide order, dated 19.08.2015 was suspended from service. The Charge Memo, dated 09.09.2015 imputing 5 counts of charges were issued to



the second respondent and the petitioner submitted an explanation on 25.09.2015. Since the same was not satisfactory, the enquiry was conducted by the Enquiry Officer. The enquiry report dated 02.11.2015, states that the charges are proved. Then the second show cause notice, dated 03.11.2015 was served to the second respondent. On 09.11.2015, the second respondent has preferred a revision petition before the first respondent and the punishment was reduced from stoppage of increment for two years without cumulative effect. The President of the Society has filed this petition challenging the revision order stating that there is loss to the extent of Rs.4,43,499/- (Rupees Four Lakh Forty Three Thousand Four Hundred and Ninety Nine only) that occurred during the year 2012-2013 and Rs.11,24,995 (Rupees Eleven Lakh Twenty Four Thousand Nine Hundred and Ninty Five) during the year 2013-2014.

3. In the meanwhile, an enquiry was conducted under Section 81 of Co-operative Societies Act. The specific case of the President is that the second respondent has involved in so many activities of misconduct.

4. The second respondent has filed a counter affidavit stating that the petitioner as a President has involved in so many illegal activities. The petitioner with personal vengeance lodged a false complaint and the disciplinary proceedings were initiated. It is also submitted that the Board of Directors subsequently resolved to remove the President and subsequently, the President was also removed and the entire proceedings were initiated by *malafide*. The second respondent has also filed an additional counter affidavit stating that the Society was functioning with the profit of Rs.52,00,000/- (Fifty Two Lakh only) during the tenure of the 2nd respondent and the charges are false. The Divisional authority has reduced the punishment.

5. The first respondent also has filed a counter affidavit stating that the allegation of loss is not correct and there is no evidence for the charge the second respondent has caused financial deficiency to the Society. Under Section 81, an enquiry was conducted and in the enquiry report, it has been clearly stated that the second respondent is not in hand and glow with the collection agent and the report also says that it is only a lack of supervision on the part of the second respondent.

6. Heard Mr.Mr.S.C.Herold D Singh, learned Counsel appearing for the petitioner and Mr.D.Sachikumar, learned Additional Government Pleader appearing for the first respondent and Mr.V.O.S Kalaiselvam, learned Counsel appearing for the second respondent.

7. On perusing the counter affidavit filed by the first respondent, it is seen that under Section 81, an enquiry was conducted and in the enquiry report it is stated that the second



respondent was not responsible for the alleged loss and the second respondent has not colluded with any collection agent and the counter affidavit also states that there was no loss to the Society. It was brought to the notice of this Court that the erstwhile President was removed based on the resolution of the Board of Directors.

8. Taking all these into consideration, the allegation by the President that the second respondent is responsible for the loss caused to the Society is not acceptable. Moreover, the first respondent has taken all the facts and reports into consideration and has reduced the punishment of stoppage of increments for two years without cumulative effect. Therefore, there is no infirmity in this order.

9. Hence, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

jbr

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The Joint Registrar of Co-operative Society,
Tuticorin Division, Tuticorin District.

+1 CC to M/s.V.D.S.KALAISELVAM, Advocate (SR-39773[F] dated 21/12/2021)
+1 CC to M/s.SPL GP (SR-39976[F] dated 22/12/2021)
+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-40092[F] dated 23/12/2021)

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TP(CO)

TR(09.02.2022) 3P 5C