



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :03.03.2022

CORAM:

THE HONOURABLE MRS. JUSTICE S.ANANTHI

C.R.P (MD) .No.1630 of 2021

and

C.M.P (MD) Nos. 8865 of 2021 & 1260 of 2021

Raja ... Petitioner/Appellant/  
1<sup>st</sup> Defendant  
Vs.

1. The Deputy Registrar of Cooperative Societies,  
Paramakudi Zone,  
Paramakudi.

2. The Sub Registrar of Cooperative Societies/  
Superintendent - II  
Zonal Deputy Registrar Office,  
Paramakudi.

... Respondents/Respondents

**PRAYER** : This Civil Revision Petition is filed under Section 227 of the Constitution of India, to call for records and set aside the fair and executable order dated 29.06.2020 passed in the Civil Miscellaneous Appeal (Co-operative Societies) in C.M.A. (C.S) No.12 of 2019 on the file of the Principal District Court, Ramanathapuram (Co-operative Tribunal) confirming the order dated 10.02.2019 passed in Surcharge Proceedings No. 05/2017-2018 (Na.Ka.No.2173/2017 SaPa (2)) by the Deputy Registrar of Co-operative Societies, Paramakudi.

For Petitioner : Mr.T.R. Jeyapalam  
For Respondents : Mr.M.Senthil Ayyanar  
Government Advocate

**ORDER**

This Civil Revision Petition has been filed to set aside the fair and executable order dated 29.06.2020 passed in the Civil Miscellaneous Appeal (Co-operative Societies) in C.M.A. (C.S) No.12 of 2019 on the file of the Principal District Court, Ramanathapuram (Co-operative Tribunal) confirming the order dated 10.02.2019 passed in Surcharge Proceedings No. 05/2017-2018 (Na.Ka.No.2173/2017 SaPa (2)) by the Deputy Registrar of Co-operative Societies, Paramakudi on the ground that the explanation given by the petitioner to the charges has not been considered by the authority.



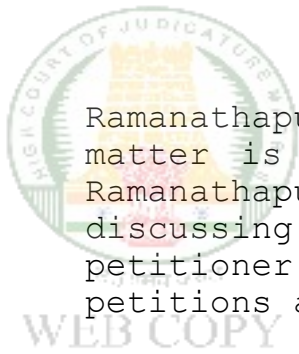
2.The learned counsel for the revision petitioner submitted that he was working as Secretary of Q1272 Semponkodi Primary Agricultural Cooperative Loan Society from 16.06.1986. In the year 2015, a surcharge proceedings was initiated against him for withdrawal of a sum of Rs.1,96,692/- from the funds of the Society towards his salary. The then Deputy Registrar of Cooperative Societies, Paramakudi passed an order dated 18.11.2016 vide Surcharge Proceedings No.2/2015-2016 holding that the withdrawal of salary by him from the total sum of Rs.3,22,528/- will not amount to misappropriation of funds and that the said amount had been mentioned in the accounts only as dues to Secretary.

3.Later in the year 2017, another surcharge proceedings were initiated and a surcharge notice, dated 12.02.2018 was issued to him. In the said notice, he had been arrayed as D1 and other two were arrayed as D2 and D3. The first respondent had levelled twelve charges against the petitioner in the said notice. Thereafter, he submitted his detailed explanation dated 19.03.2018 to the first respondent. But the first respondent has passed the impugned order dated 10.02.2019 in surcharge proceedings No.05/2017-2018 without considering the same. The impugned order passed by the first respondent runs to 22 pages. Out of which, the discussion and conclusion runs only to two pages. Against which, he filed a Civil Miscellaneous Appeal in C.M.A (CS)No.12 of 2019 before the learned Principal District Court (Co-operative Tribunal), Ramanathapuram and the same was also dismissed on 29.06.2020. Aggrieved by the said order, the revision petitioner has filed this Civil Revision Petition.

4.The learned Government Advocate appearing for the respondents contended that the revision petitioner's explanation are discussed and issues were framed only thereafter by the concerned authority and the authority also rendered findings to the issues framed therein. Therefore, the impugned order does not call for any interference.

5.A perusal of the impugned order, this Court finds that charges are not discussed the explanation given by the petitioner along with the documents. The Deputy Registrar of Cooperative Societies discussed and gave a finding that since the petitioner and two others were working as Secretary and Clerk in the said institution, they are alone responsible for the charges of misappropriation, which is a very vague statement. On the face of it, it is seen that the Deputy Registrar has failed to discuss the explanation and peruse the documents before passing the impugned order.

6.With the above observation, this Civil Revision Petition is disposed of and the order, dated 29.06.2020 made in C.M.A(C.S) No.12 of 2019 passed by the learned Principal District Judge,



Ramanathapuram (Co-operative Tribunal), is hereby set aside and the matter is remitted back to the learned Principal District Judge, Ramanathapuram (Co-operative Tribunal) for fresh consideration after discussing the charges and considering the explanation given by the petitioner. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsd

**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 Principal District Judge (Co-operative Tribunal),  
Ramanathapuram
2. The Deputy Registrar of Cooperative Societies,  
Paramakudi Zone, Paramakudi.
3. The Sub Registrar of Cooperative Societies/  
Superintendent - II  
Zonal Deputy Registrar Office,  
Paramakudi.

Copy to

The Section Officer,  
V.R.Section,  
Madurai Bench of Madras High Court,  
Madurai.

+1 CC to M/s.T.R.JEYAPALAM, Advocate ( SR-9840[F] dated 03/03/2022 )

+1 CC to M/s.SPL GP ( SR-10190[F] dated 04/03/2022 )

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