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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2022

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THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P (MD)No.2272 of 2017 &

CMP (MD)No.11039 of 2017

The Deputy Registrar of Co-operative Societies,
Madurai

... Petitioner

Vs.

M.Marimuthu

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the Judgment and decree dated 13.04.2017 in CMA(CS)No.1 of 2010 on the file of the Principal District Court, Madurai reversing the order dated 05.12.2008 in Surcharge proceedings in SC.No.1 of 08-09 on the file of the Deputy Registrar of Co-operative Societies, Madurai.

For Petitioner : Mr.M.Senthil Ayyanar,
Government Advocate

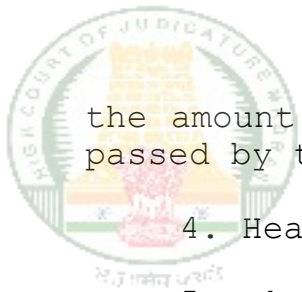
For Respondent : Mr.J.Ravichandran

ORDER

The revision petition is filed by the Deputy Registrar of Co-operative Societies, Madurai to set aside the Judgment and decree dated 13.04.2017 in CMA(CS)No.1 of 2010 on the file of the Principal District Court, Madurai.

2. The revision petitioner as the Surcharge Officer has passed an order on 05.12.2008 in SC.No.1 of 08-09, against which, CMA(CS) No.1 of 2010 was filed by the respondent herein and the learned Principal District Judge, Madurai had allowed the CMA and set aside the order passed in the surcharge proceedings. Challenging the said order, the present petition is filed.

3. The learned counsel for the revision petitioner would submit that the respondent was appointed as an Office Assistant without following any rules and procedures. Subsequently, he was suspended and thereafter, terminated from service. According to the counsel, the Society has suffered huge loss owing to the act of the respondent and some other staffs. Therefore, he would submit that



the amount should be recovered from the respondent as per the order passed by the revision petitioner / Surcharge Officer.

4. Heard the learned counsels appearing on both sides.

5. The respondent is only an Office Assistant whose employment was subsequently regularized by the Government through a Government Order. The respondent who was working as an Office Assistant had no power to spend money or maintain the records as stated in the charges. The Surcharge Officer / Deputy Registrar of Co-operative Societies, Madurai had held that the respondent herein is liable to pay a sum of Rs.846/-. However, the said amount was given to the respondent as overtime wage for the work done by him beyond the Office hours. Hence, the respondent cannot be held liable for the amount stated in Charge No.5. Therefore, the Principal District Judge, Madurai has rightly allowed the CMA and set aside the order passed against the respondent. This Court finds no valid reason to interfere with the order passed by the learned Judge.

6. In the result, this Civil Revision Petition is dismissed by confirming the Judgment and decree dated 13.04.2017 in CMA(CS)No.1 of 2010 on the file of the Principal District Court, Madurai. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

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Sub Assistant Registrar(CS)

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To

The Principal District Judge, Madurai.

+1 CC to M/s.SPL.GP (SR-5034[F] dated 09/02/2022)

C.R.P(MD)No.2272 of 2017
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