



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.27217 of 2019

P.Moovendran

... Petitioner

Vs.

1.The Joint Registrar of Co-operative Societies,
Madurai Region,
Madurai.

2.The Deputy Registrar of Co-operative Societies,
Madurai Circle,
O/o.The Deputy Registrar of Co-operative Societies,
Krishnarayar Tepakulam Street,
Madurai - 625 001.

3.The Managing Director,
A.3083, Tamil Nadu State Transport
Corporation (Madurai.DIV-I)
Madurai Employees Coop.Thrift and
Credit Society Ltd.,
94/4B, Pattukottai Kalyanasundaram Street,
Bye pass Road,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order made in R.C.No.3838/2014/ECS dated 05.04.2019 passed by the 2nd respondent and quash the same and consequently direct the respondents to pay the revised pay payable to the petitioner on the basis of the proceedings made in Na.Ka.5042/2013/SiKu dated 09.05.2019 passed by the 2nd respondent and the terminal benefits payable to the petitioner along with interest within time stipulated by this Court.

For Petitioner :Mr.P.R.PrithiviRaj

For R1 & R2 :Mr.P.Thilak Kumar

Government Pleader

Assisted by Mr.R.Ramesh,

Government Advocate

For R3

:Mr.Shanmuga Raja Sethupathy

O R D E R

The order of rejection passed by the 2nd respondent in proceedings dated 05.04.2019 is under challenge in the present writ petition. A consequential direction sought for to pay the terminal and other benefits to the petitioner.

2. The petitioner was working as the Secretary of the Co-operative Thrift and Credit Society and a surcharge proceedings was initiated against him under Section 87 of the Tamil Nadu Co-operative Societies Act. Final surcharge order was passed by the competent authority under the provision of the Act and the petitioner filed CMA(CS)No.12 of 2015, CMA(CS)No.13 of 2015 and CMA(CS)No.34 of 2015 before the Principal District Court / Special Tribunal for Co-operative Cases. The CMAs were allowed in favour of the writ petitioner and the surcharge order passed under Section 87 was set aside. However, the Management of the Co-operative Society filed a writ petition before this Court. The writ petition was disposed of on the ground that the petitioner has to prefer a Civil Revision Petition. Accordingly, the Management of the Co-operative Society filed CRP.(MD)Nos.856 to 858 of 2019. Admittedly, all the three Civil Revision Petitions are pending before the High Court and there is no interim order. Under these circumstances, the petitioner submitted an application before the competent authority for settlement of terminal benefits.

3. The learned Government Pleader appearing on behalf of the respondents made a submission that in the event of settling the terminal benefits, the rights of the co-operative Society will be prejudiced, as the surcharge amount is running more than Rs.55,00,000/-. In the event of settling the terminal benefits, the Society will not be in a position to recover the surcharge amount from the writ petitioner.

4. This Court is of the considered opinion that all these grounds are to be adjudicated in the Civil Revision Petitions, which are all pending before the High Court. Even for getting the relief, the petitioner has to approach the Court in the pending proceedings and not by way of filing a separate writ petition. Neither the competent authority nor the writ Court can issue any directions for settlement of terminal benefits, more specifically, when the surcharge proceedings and the final order passed in the CMAs are subjudiced before the High Court in CRP.(MD)Nos.856 to 858 of 2019. Thus, the writ petition is to be construed as multiplicity of litigations, which cannot be encouraged nor be entertained, as in respect of connected cause, the petitioner cannot file a separate writ petition, more specifically, during the pendency of the Civil Revision Petitions. This being the principles to be followed, the



petitioner has to pursue the Civil Revision Petitions, which are pending before the High Court for disposal.

5. With these observations, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MPK

To

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Credit Society Ltd.,
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Bye pass Road,
Madurai.

+1 CC to M/s.D.SADIQ RAJA,Mr.P.R.PrithiviRaj Advocate (SR-6021[F]
dated 14/02/2022)

+1 CC to M/s.SPL GP (SR-5983[F] dated 14/02/2022)

W.P. (MD) No.27217 of 2019

11.02.2022

SVN(CO)

KB(25.02.2022) 3P 6C