



C.R.P.(NPD)(MD).No.2049 of 2012

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 02.02.2023

DELIVERED ON: 09.02.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(NPD)(MD).No.2049 of 2012

and MP(MD).No.2 of 2012

Selvaraj
Former Secretary (In-charge)
Pettavaithalai Primary Agricultural
Co-operative Bank
Pettavaithalai
Trichy

...Petitioner/Appellant

Vs

1.The Pettavaithalai Primary Agricultural
Co-operative Society by its Special Officer
Trichy

2.The Deputy Registrar of Co-operative Societies,
Kajamalai, Trichy -20

...Respondents /Respondents

PRAYER: Civil Revision Case is filed under Section 115 of C.P.C., to set aside the order passed in C.M.A(CS).No.37 of 2009 dated 05.06.2012 on the file of the Principal District Judge, Tiruchirappalli confirming the



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Surcharge proceedings in Na.Ka.11017/93/Sa.Pa dated 11.02.2008 on the file of the second respondent herein and allow the civil revision petition.

For Petitioner : Mr.V.Ilanchezian
For Respondents : Mr.C.Baskaran
Government Advocate

ORDER

The present civil revision petition has been filed challenging an order passed by the learned District Judge, Trichy in CMA (CS).No.37 of 2009 confirming an order passed under Section 87 of Tamil Nadu Co-operative Societies Act.

2.The revision petitioner was working as a Secretary in a Primary Agricultural Co-operative Bank. On the basis of an audit report, surcharge proceedings were initiated as against the petitioner and three other persons under Section 87 of the Tamil Nadu Co-operative Societies Act.

3.The main charges as against the petitioner was that the amount that was collected as jewel loan from the members to the extent of Rs.2,96,297/- was not given credit to and there was misappropriation of a sum of Rs.25,500/- from the savings bank account. The Deputy Registrar



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of the Co-operative Society had conducted an enquiry and passed an order on 31.10.1994 and arrived at a finding that the petitioner herein and four others officials were jointly and severally liable to pay the above said amount along with 18% interest. Challenging the said order, the petitioner herein had filed CMA.No.107 of 1995 before the Principal District Court, Trichy. The learned District Judge after providing due opportunity and after considering the enquiry report and the contentions of the petitioner herein, had confirmed the order passed by the Deputy Registrar. Challenging the said order, the present revision has been filed.

4.The learned counsel appearing for the petitioner had contended that the petitioner was placed under suspension as Secretary of the Co-operative Society Bank between 15.07.1992 to 15.11.1992. The alleged irregularities are said to have taken place only during the said period. Hence, the Deputy Registrar of the Co-operative Society was not correct in imposing the liability upon the revision petitioner for the irregularities that had taken place during the period of suspension. He had further contended that no proper opportunity was afforded to him while defending the said enquiry.



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5.The learned counsel for the petitioner had further contended that the petitioner was no way connected with the alleged misappropriation and he was not the Secretary in-charge during the period of misappropriation. Hence, he prayed for allowing the revision petition and to set aside the order passed in the surcharge proceedings.

6.Per contra, the learned counsel appearing for the respondents Bank had contended that the irregularities have taken place between 1987 to 1993 and hence, the contention of the petitioner that he was not in-charge during the relevant point of time is not factually correct. He had further contended that an adequate opportunity was afforded to the petitioner and only after furnishing the copy of Section 81 report, the order was passed. In the enquiry conducted by the Deputy Registrar, the petitioner was found guilty of the first charge namely with regard to the misappropriation of an extent of Rs.2,96,297/-. However, the petitioner was discharged from the second charge namely misappropriation to a tune of about Rs.2,45,500/-. Hence, the enquiry was conducted in a fair manner and on merits, the orders have been passed. Hence, he prayed for dismissal of the revision petition.



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7.I have considered the submissions made on either side and perused the materials available on record.

8.The proceedings under Section 87 of the Tamil Nadu Co-operative Societies Act, 1983 have been initiated as against the revision petitioner for the irregularities that have taken place between 1987-1988 to 1991-1993. During the enquiry, the petitioner has been permitted to engage an Advocate to defend himself and he has also filed a written explanation. After enquiry got concluded, the report has also been furnished to the revision petitioner. However, the first defence taken by the revision petitioner is that he was under suspension from 15.07.1992 to 15.11.1992 and hence, the charges against him for the said relevant period is not maintainable.

9.As could be seen from the records, the irregularities are not in four months period during which the revision petitioner was under suspension. The charges are covered from the year 1987 – 1993. Hence, the contention of the counsel for the revision petitioner that he is not liable for the said irregularities is not legally sustainable. Apart from the said defence, no other contention has been raised by the learned counsel for the petitioner. The Deputy Registrar after careful consideration and analysis of



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the documents, had passed the order under Section 87 of the Co-operative Societies Act. The Co-operative Tribunal has also properly considered the defence raised by the revision petitioner and has rejected the same on the basis of the records.

10. In view of the above said facts, I do not find any illegality or infirmity in the order passed by the Co-operative Tribunal. This Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

09.02.2023

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
msa

To

1. The Principal District Judge
Tiruchirappalli
2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J

msa

Pre-delivery order made in
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