



W.P.(MD)No.1001of 2016

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.1001 of 2016

and

W.M.P(MD)No.828 and 9524 of 2016

K.Subramaniyan

... Petitioner

Vs.

- 1.The Registrar,
Co-operative Societies,
No.170 N.E.Natarajan Maligai,
Poonamallee High Road, Kilpauk,
Opposite to Ega Cinema Hall,
Chennai 10.
- 2.The Joint Registrar,
Co-operative Societies,
Office of the Joint Registrar,
Collector office Campus,
Karur District, Karur.
- 3.The Deputy Registrar,
Co-operative Societies,
Office of the Deputy Registrar,
Mill Gate, Thanthonri Malai,
Karur.



W.P.(MD)No.1001of 2016

WEB COPY

4.The President,
R.656,Rajapuram,
Primary Agricultural Co-operative Credit Society,
Rajapuram,
Aravakurichi Taluk,
Karur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Certiorarified Mandamus*, calling for the records connected with the order dated 16.06.2015 passed by the 4th Respondent and the order in Na.Ka.No.1706/2011/ThaNi. dated 16.06.2015 passed by the Respondent No.3 and quash them as illegal consequently directing the Respondents to waive interest subject in the order in Na.Ka.No.1026/2010 Sa.Ba. dated 23.09.2010, and reinstate the petitioner in service in the 4th Respondent society with all service and attendant benefits in accordance with law within the time stipulated by the Court.

For Petitioner : Mr.S.MalaiKani

For Respondent : Mr.K.S.Selvaganesan
Additional Government Pleader
for R-1 to R-3

Mr.S.Kumar for R-4

ORDER

This writ petition is filed challenging the impugned order, dated 16.06.2015 with consequential direction to the Respondents to waive interest



W.P.(MD)No.1001of 2016

WEB COPY

subject in the order, dated 23.09.2010, and reinstate the petitioner in service with all service and attendant benefits.

2. The petitioner has joined in the Society service from 01.08.1990 as Clerk. Thereafter, he was holding various posts. When the petitioner was holding the post of Secretary, a charge memo was issued alleging that the petitioner has committed misappropriation to the tune of Rs.4,25,564/- in the members saving accounts and also misappropriation to the tune of Rs.2,25,800/- in the Self Help Group circulation fund and also alleged that in the Corps Credit there was a misappropriation of Rs.27,260/-, misappropriation of rupees in purchasing Kerosene Rs.77,800/- and Rs.16,635.60/- in the balance. The respondents have initiated disciplinary proceeding as well as surcharge proceeding. In the disciplinary proceedings the respondents have been imposed punishment of dismissal from service, through order, dated 07.09.2014. Since the petitioner has not challenged the dismissal order before any Forum it has attained finality. In the surcharge proceedings, the respondents have been imposed punishment that the petitioner should repay the amount of Rs.7,73,059.60/-, through order, dated 23.09.2010. The petitioner has also not challenged the same before Tribunal by



W.P.(MD)No.1001of 2016

WEB COPY

filing Civil Miscellaneous petition. Subsequently, the respondents have issued a demand notice, dated 23.09.2010. The same was challenged in W.P(MD)No.4270 of 2015, this Court vide order dated 06.04.2015 has directed the petitioner to repay the entire principal amount, as far as the interest portion is concerned direction was issued to the petitioner to submit a representation and the respondents were directed to consider and pass orders. The respondents have therefore revised the order declaring reinstatement and declined to reduce the interest portion as well. Challenging the same the instant writ petition is filed.

3. The contention of the respondents is that the petitioner has not challenged the impugned order by way of filing of Civil Miscellaneous Petition before the Tribunal, instead had filed this writ petition.

4. Since the petitioner has paid the entire principal amount that is quantified in the show cause notice in the year 2015 itself hence, this Court is inclined to interfere with the interest portion alone. The respondents have imposed interest at the rate of 15%. This Court is reducing the interest at the rate of 8%. The respondents are directed to quantify the interest applicable at the rate



W.P.(MD)No.1001of 2016

WEB COPY

of 8%. The petitioner is directed to pay the same and if the petitioner is willing to pay the same in easy installments, the same shall be granted. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of the order.

5. With the above terms, this Writ Petition is allowed. No Costs.
Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes
ksa

11.04.2023



WEB COPY



W.P.(MD)No.1001of 2016

To

- 1.The Registrar,
Co-operative Societies,
No.170 N.E.Natarajan Maligai,
Poonamallee High Road,
Kilpauk,
Opposite to Ega Cinema Hall,
Chennai 10.
- 2.The Joint Registrar,
Co-operative Societies,
Office of the Joint Registrar,
Collector office Campus,
Karur District,
Karur.
- 3.The Deputy Registrar,
Co-operative Societies,
Office of the Deputy Registrar,
Mill Gate,
Thanthonri Malai,
Karur.



WEB COPY



W.P.(MD)No.1001of 2016

S.SRIMATHY, J

ksa

**Order made in
W.P.(MD)No. 1001 of 2016**

11.04.2023