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CONT.P.(MD)NO.44 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CONT.P.(MD)No.44 of 2023 IN
W.P.(MD)No.22877 of 2021

Vetriselvan

... Petitioner / Petitioner

Vs.

S.K.Swaminathan,
Deputy Registrar,
O/o.The Deputy Registrar of Co-operative Societies,
Pattukottai,
Thanjavur District.

... Contemnor / 2nd Respondent

Prayer: Contempt petition filed under Section 11 of the Contempt of Courts Act 1971, to punish the contemnor for his willful disobedience to the order dated 11.10.2022 passed by this Court in W.P.(MD)No.22877 of 2021.

For Petitioner : Mr.S.Kanagarajan

For Respondent : Mr.A.Baskaran,
Additional Government Pleader.

* * *

**ORDER**

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Heard the learned counsel on either side.

2. The petitioner was the Secretary of Poovathur Primary Agricultural Co-operative Loan Society. He retired. Since his service benefits had not been disbursed, he filed W.P.(MD)No.22877 of 2021. Vide order dated 11.10.2022, this writ petition was disposed of in the following terms:-

“4. Therefore, the order impugned in the writ petition is set aside. The matter is remitted to the file of the second respondent. The second respondent will pass an order on merits quantifying the amount payable to the petitioner by the third respondent society. It appears that service book is now with the petitioner. The writ petitioner shall appear before the second respondent on 19.10.2022 at 3.00 p.m. He will hand over the service book in person to the second respondent. The second respondent will issue acknowledgement also. In the meanwhile, the



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second respondent will instruct the third respondent to be present at the same time. If the third respondent is not present, based on the available records, the second respondent will pass an order quantifying the benefits payable to the writ petitioner. It is of-course open to the third respondent to challenge the order passed by the second respondent. The second respondent shall pass final order on merits and in accordance with law on or before 04.11.2022. Subject to filing of a review within the limitation period, the third respondent is directed to comply with the order passed by the second respondent and disburse the benefits payable to the petitioner herein.”

3. Contending that the order passed by this Court has not been complied with, the present contempt petition came to be filed.



4. When the matter was taken up for hearing, the Shri.Hari Krishnan, Co-operative Sub Registrar, appeared before this Court and informed the Court that the respondent had already passed an order dated 24.11.2022 quantifying the benefits payable to the petitioner and directing the concerned society to settle the petitioner's dues. According to the respondent, a sum of Rs.6,09,531/- has to be paid. A sum of Rs.50,000/- alone was paid because of the financial condition of the society. Of course this is unacceptable. But then, I cannot lose sight of the fact that the said society was till managed only by the petitioner herein. Therefore, in any event, the respondent cannot be fastened with any liability. The petitioner was not a departmental employee. He was the employee of the concerned society. Therefore, for the liability of the society, the Deputy Registrar cannot be proceeded against. In any event, the Deputy Registrar has already passed an order quantifying the liability of the society and the entitlement of the petitioner.



5. Granting liberty to the petitioner to proceed against the society for getting his dues in the light of the proceedings of the respondent, this contempt petition is closed.

20.02.2023

NCS : Yes / No

Index : Yes / No

Internet : Yes/ No

PMU

To:

The Deputy Registrar,
O/o.The Deputy Registrar of Co-operative Societies,
Pattukottai,
Thanjavur District.



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G.R.SWAMINATHAN,J.

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