



W.P.No.21734 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2024

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THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.21734 of 2012

The Joint Registrar / Special Officer,
Dharmapuri District,
Central Co-operative Bank,
Dharmapuri. ... Petitioner

vs.

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

2. R.Murugesan
Assistant / Field Manager,
Dharmapuri District Central
Co-operative Bank,
Palakode Branch,
Dharmapuri. ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent in Na.Ka.No.7248/2011/Sa.Pa dated 11.06.2012 and quash the same.

For Petitioner : Mr.M.S.Palaniswamy



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For Respondents : Mr.M.Rajendiran (for R1)
Additional Government Pleader (Co-op)

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ORDER

The Dharmapuri District Central Co-operative Bank, through its Joint Registrar / Special Officer, has filed the writ petition assailing the order of the 1st respondent viz., the Joint Registrar of Co-operative Societies passed under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983 in the matter of R.Murugesan, Assistant/Field Manager, the 2nd respondent herein.

2. (i) The necessary facts which are relevant for consideration of this writ petition are that a charge memorandum was issued against Mr.R.Murugesan on 24.09.2010. The charge levelled against him is that he had repaid the TA advance amount received by him belatedly and thereby, he caused dereliction in his duty. After conducting the enquiry and on receiving the explanation from the 2nd respondent herein on 13.10.2010, an order of punishment was passed on 15.10.2011 imposing the punishment of stoppage of increment for a period of six months.



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(ii) The 2nd respondent has challenged the order of punishment before the Joint Registrar of Co-operative Societies, Dharmपुरi, the 1st respondent herein under Section 153 of the Tamil Nadu Co-operative Societies Act. The Revisional authority on considering the either side submissions, has set aside the punishment imposed against the 2nd respondent and the said order is under challenge in the present writ petition.

3. The learned counsel for the petitioner would vehemently contend that the charge levelled against the petitioner is a serious charge of misappropriation. However, the revisional authority without considering it with due diligence has simply set aside the order of punishment and therefore, the order of the 1st respondent is liable to be interfered with as it is perverse.

4. Per contra, the learned counsel for the 1st respondent would submit that the writ Court while exercising the power of judicial review, it cannot sit as an appellate Court. It is pertinent to mention here that the revisional authority being the appellate forum has re-appreciated the evidence and has found that the charge is very much trivial, and that is why the punishment



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was set aside and there is no perversity in the order of the Joint Registrar.

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5. I have given my anxious consideration on the either side submissions.

6. It is pertinent to mention that the charge is not of misappropriation. The charge is only a delay in repayment of the TA advance amount. In this regard, the revisional authority while considering the revision under Section 153 of the Tamil Nadu Co-operative Societies Act, has held that if the Manager or the Cashier had informed the petitioner about the repayment of earlier TA advance amount before obtaining the second advance, he would have settled the account of the first advance and that the petitioner would not have received the second advance. Therefore, it is relevant to mention here that it is not the petitioner himself who was responsible as he had applied for sanction of advance through Manager and the Cashier. That is why the revisional authority has found that it is not the sole mistake on the part of the petitioner, and also found that the charges are very trivial in nature. Such a finding in my considered view is rational.



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7. Further, this Court could not find any perversity over the said order. It is pertinent to mention here that though the learned counsel for the petitioner would contend that there is a serious charge of misappropriation, even the charge framed against the petitioner does not reflect any ingredient so as to bring the charge under misappropriation, except to the limited extent of delay in repaying the advance amount.

8. Therefore, in the above peculiar circumstances, this Court is of the view that there are no reasons to interfere with the order of the revisional authority, and there is no merit in this writ petition. Hence, the same is liable to be dismissed.

9. Accordingly, this Writ Petition stands dismissed. No Costs.

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Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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To

The Joint Registrar of
Co-operative Societies,
Dharmapuri Region,
Dharmapuri.



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C.KUMARAPPAN, J.

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