



WEB COPY



WA No.2241 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2024

CORAM:

THE HON'BLE MR.JUSTICE D. KRISHNAKUMAR
AND

THE HONOURABLE MR.JUSTICE P.B. BALAJI

WA No.2241 of 2024

The Management,
Urban Cooperative Bank Salem,
No.405, 1st Agragaram,
Salem 636 001

... Appellant

versus

1.A.Mathivendan

2.The Joint Registrar of Cooperative Societies
(Revisional Authority u/s.153 of
Tamil Nadu Cooperative Societies Act, 1983)
Salem Region,
No.410, Collectorate Complex,
Salem District

...Respondents

PRAYER: Writ Appeal filed against the order of the learned Single Judge
in WP No.34572 of 2022 dated 13.12.2023

For the Appellant

:Mr.V.Ravichandran

1/5



WA No.2241 of 2024

For the Respondents : Mr.N.Kolandaivelu,
for the first respondent

Mrs.Geetham Thamaraiselvam,
Special Government Pleader

JUDGMENT

(Judgment of the Court was delivered by *D.KRISHNAKUMAR, J.*)

The Writ Appeal is filed against the order of the learned Single Judge in WP No.34572 of 2022 dated 13.12.2023.

2. The writ court has relied upon the decision of the Hon'ble Supreme Court in the case of *State of Punjab vs Rafiq Masih (White Washer) reported in (2015) 4 SCC 334*, wherein it is categorically held that recovery of excess amount wrongfully made by the employer in excess of five years, is impermissible in law.

3. On the facts of this case, the respondent herein was working as a Driver under D category in the aforesaid society and further, the aforesaid excess amount has been withheld by the petitioner management at the time



WA No.2241 of 2024

of respondent herein attaining the age of superannuation. Therefore, the same is also impermissible under law in the light of the judgment cited supra.

4. Considering from any angle, the judgment of the Hon'ble Supreme Court in *White Washer's case* cited supra, wherein the petitioner department which withheld the excess amount had paid to the employees, squarely applies to the facts of this case. Therefore, in the light of the decision of the Hon'ble Supreme Court in *White Washer's case*, the order of the writ court is perfectly valid and nothing warrants to interfere with the order of the writ court. Consequently, the writ appeal stands dismissed. There shall be no order as to costs. CMP No.15764 of 2024 is closed.

(D.K.K.,J) (P.B.B., J.)
15.11.2024

Index : Yes/No
Neutral Citation : Yes/No
mrn

To
The Joint Registrar of Cooperative Societies

3/5



WA No.2241 of 2024

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WA No.2241 of 2024

D.KRISHNAKUMAR, J.
and
P.B. BALAJI, J.

(mrn)

WA No.2241 of 2024

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