



W.A.No.1551 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

Writ Appeal No.1551 of 2021
and
C.M.P.No.9764 of 2021

V.G. Jayamani S/o. V.R. Gnanasekaran

... Appellant / Petitioner

Vs.

1. The Joint Registrar of Coop. Societies,
Cuddalore Region,
Cuddalore.
2. The Special Officer,
E2015, Vegakollai Primary Agricultural
Coop Credit Society,
Vegakollai Post, Kurinjipadi Via,
Panruti Taluk,
Cuddalore District.

... Respondents / Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 08.09.2020 made in W.P.No.7978 of 2013.

For Appellant : Mr. C. Prakasam

For Respondents 1 & 2 : Mr. S. Ravikumar,
Special Government Pleader [Co-op]



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J U D G M E N T

(Judgment of the Court was delivered by S.M.SUBRAMANIAM, J.)

The Writ Appeal has been filed against the order dated 08.09.2020 made in W.P.No.7978 of 2013.

2. The Writ petitioner is the appellant. The order passed by the Joint Registrar of Co-operative Societies under Section 153 of the Tamilnadu Co-operative Societies Act in Proceedings dated 31.08.2012 is under challenge in the present Writ petition. The revisional authority under the Act imposed recovery based on the surcharge order and for the financial loss caused to the Co-operative Society. The said revision order under Section 153 of the Tamilnadu Co-operative Societies Act dated 31.08.2012 came to be challenged in the present Writ petition.

3. The learned Single Judge considered the ground that C.M.A. No.89 of 2003 preferred by the Appellant against the surcharge order was allowed by setting aside the surcharge proceedings. Therefore, recovery based on the



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surcharge order cannot be validated. However, the learned Special Government pleader appearing for the respondents would submit that the financial loss caused to the Society and regarding fixation of pay are also to be considered at the time of settlement of terminal benefits to the appellant. We find that the learned Single Judge has remanded the matter back to the respondents for fresh consideration. It is brought to the notice of this Court that part benefits are already granted to the appellant. Therefore, the respondents are directed to reconsider the entire issues as directed by the learned Single Judge and pass orders afresh on merits in accordance with law by taking note of the developments took place after passing of the order in the Writ petition.

4. The said exercise is directed to be completed within **3 (three) months** from the date of receipt of a copy of this order.

5. With the above direction, this Writ Appeal stands disposed of. No costs. The connected miscellaneous petition is closed.

[S.M.S.J.] [C.K.J.]
14.06.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

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S.M.SUBRAMANIAM,J.
AND
C.KUMARAPPAN,J.

mjs

To

1. The Joint Registrar of Coop. Societies,
Cuddalore Region,
Cuddalore.
2. The Special Officer,
E2015, Vegakollai Primary Agricultural
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Judgment in
W.A.No.1551 of 2021



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