



C.R.P.(MD)No.887 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserved : 27/03/2024

Date of Pronounced : 19/06/2024

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The Hon'ble Mr.Justice **G.ILANGO VAN**

C.R.P (MD) No.887 of 2022

and

CMP (MD) No.3539 of 2022

S.Savari Arokkiados : Revision Petitioner/
Appellant/Respondent
Vs.

The Deputy Registrar of Co-operative
Societies,
Dindigul Circle,
Dindigul,
Having its Office at No.11,
Nehruji Nagar,
State Bank Colony,
Dindigul-1.

: Respondent/Respondent/
Petitioner

PRAYER:-Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed by the Appellate Co-operative Tribunal/Principal District Judge, Dindigul made in CMA(CS)No.30 of 2019, dated 13/09/2021 partly allowing the Surcharge Order of the Deputy Registrar of Co-operative Societies, Dindigul Circle, Dindigul in Na.Ka.1525/2017.Ku.Na(1) and SC No.1/2018-2019, dated 27/11/2018.

For Petitioner : Mr.M.Sridharan

For Respondent : Mr.M.Senthil Ayyanar
Government Pleader



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This civil revision petition has been filed seeking to set aside the fair and decreetal order passed by the Appellate Co-operative Tribunal/Principal District Judge, Dindigul made in CMA(CS)No.30 of 2019, dated 13/09/2021 partly allowing the Surcharge Order of the Deputy Registrar of Co-operative Societies, Dindigul Circle, Dindigul in Na.Ka.1525/2017.Ku.Na(1) and SC No.1/2018-2019, dated 27/11/2018.

2.The facts in brief:-

The petitioner was employed as Secretary of D.D.592, V.Kurumbapatti Primary Agricultural Co-operative Credit Society, Dindigul District. The Deputy Registrar of Cooperative Society, Dindigul District ordered *suo motu* enquiry under section 81 of the Tamil Nadu Cooperatives Societies Act, by order, dated 25/05/2017 regarding the irregularities committed in the Society banking. Enquiry Officer submitted a report finding that there was misappropriation of funds to the tune of Rs.23,41,179/-. The petitioner along with other staff were held jointly and severally liable to pay the money. So, surcharge notice was issued. There was an explanation by the petitioner by offering his explanation on 28/09/2018. Not satisfied with the explanation offered by the



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petitioner, three surcharge proceedings were initiated on 27/11/2018 directing the petitioner to pay a sum of Rs.23,41,179/- with interest at 16.5%. Against that, appeal was preferred by the petitioner before the appellate authority namely District Judge, Dindigul.

3.It was contended before the appellate authority that he has not responsible for any misappropriation and actually no misappropriation was also happened. Loan amount was sanctioned to the members. At the time of withdrawing the amount, proper vouchers were obtained.

4.The appellate authority did not accept the contents put forth by the petitioner.

5.The first charge was that the appellant and others did not remit Rs.39,34,100/- to the credit of the Society. The amount was remitted by the petitioner. But failed to submit his written statement. Charge No.1 was found to be proved.

6.Regarding the charge No.2 also, the appellate authority found that Rs.97,285/- collected as jewel loan remittance. But that was not credited to the Society account. So, it was also found to be proved.



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7.Charge No.3(a) is with reference to withdrawing the amount to the tune of Rs.6,65,000/- from the Accounts by forging the signature. Since the appellant failed to appear before the Enquiry Officer and offered his explanation, that charge was also found to be proved.

8.Charge No.3(b) is with reference to misappropriation to the tune of Rs.13,15,075/- from the accounts of the Account-Holders by forging the signature. It was also found to be proved.

9.Charge No.4 is with reference to not making entry in the relevant register on the same date of collection and that charge was also found to be negligent on the part of the petitioner and it was not wilful.

10.The 5th charge is with reference to refunding the members and their savings money in cash of Rs.5,950/-. With regard to that charge also, it was found that the petitioner was negligent in not supervising the account details.

11.What was the contention before the appellate authority is that he was not served with enquiry report.



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12. But on perusal of the records, it was found that sufficient opportunity was given to the petitioner to submit his objection and defence. But failed. Subsequent to the surcharge proceedings, the amount was remitted into the account. Finally, it was concluded that he is liable for the charge Nos.2, 3(a) and 3(b). To that extent, the order was modified.

13. Against the same, this civil revision is preferred before this court also.

14. The very same contention was raised by the petitioner that no sufficient opportunity was given to him to defend the charges. But as stated by the appellate authority, it appears that sufficient opportunity was given to him.

15. To verify the same, copies of the entire records have been called for from the Deputy Registrar, Cooperative Societies, Dindigul and perused.

16. Surcharge order was passed by the Deputy Registrar of Cooperative Societies, Dindigul, on 28/02/2018 in Na.Ka.No.1525/2017. They were directed to offer their explanation within 15 days. As per the



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request made by the petitioner and others, enquiry was fixed on 18/06/2018. Later adjourned to 23/07/2018 and 03/08/2018. Later a letter was written by the Deputy Registrar, Cooperative Societies, Dindigul, on 10/08/2018 stating that the petitioner and others were permitted to take copies of the documents on 18/05/2018. but they did not. At their request, it was adjourned to 29/06/2018. At that time, the petitioner and other two persons did not appear. On 03/08/2018, the petitioner and others appeared and requested time to peruse the documents. Later, a case was registered in Crime No.2 of 2018 against the petitioner and others. They were arrested. So enquiry could not be completed within six months. So he requested extension of six months time. From 28/08/2018 to 27/11/2018 and subsequent to that, notices were issued to the petitioner and others for appearance. Enquiry was fixed on various dates namely 28/09/2018, 29/10/2018 and 08/11/2018. One of the respondents namely C.Selvam, Ex-President has submitted his explanation. But the petitioner periodically sought extension of time. He was permitted to take the copies of the documents from the office. But in-spite of repeated adjournments, the petitioner did not appear and finally, on 19/11/2018, he sent a communication/letter stating that except the report under section 87 of the Tamil Nadu Cooperative



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Societies Act, he has not received any other documents.

He again requested that he was not in a position to appear and on 16/12/2018, again sought 15 days time. The final report was, dated 21/07/2018 as stated above. So the contention on the part of the petitioner that he was not given sufficient opportunity and relevant records is not at all correct on record. Now he wants to drag on the matter endlessly. Such sort of attitude cannot be accepted.

17.The order has been passed based upon the records. The appellate authority also considered the above said factual aspects and dismissal the appeal. No new ground has been made out by the petitioner warranting interference by this court.

18.In the result, this civil revision petition is **dismissed.** No costs. Consequently, connected Miscellaneous Petition is closed.

19 /06/2024

Index:Yes/No
Internet:Yes/No
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To,

- 1.The Appellate Co-operative Tribunal/
Principal District Judge,
Dindigul.
- 2.The Deputy Registrar of
Co-operative Societies,
Dindigul Circle,
Dindigul.
- 3.The Government Pleader,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN, J

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C.R.P (MD) No. 887 of 2022

19/06/2024