



C.R.P(MD)No.2485 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.2485 of 2018
and
C.M.P(MD)Nos.10996 & 10997 of 2018

G.Lazer

... Petitioner /2nd Appellant

Vs.

1.The Deputy Registrar,
of Co-operative Society,
Cheranmahadevi,
Tirunelveli District.

2.Co-operative Society,
Sub-Registrar/field Officer/
Surcharge Proceeding Officer,
Office of the Deputy Registrar of Co-operative Society,
Cheranmahadevi,
Tirunelveli District.

3.E.E.442 Kavalkenaru Primary
Agricultural Co-operative Society,
Represented through its Secretary,
Kavalkenaru,
Tirunelveli District.

4.M.Xavier

5.T.Thangaraj

... Respondents/Respondents

6.J.Augustin John

...Respondent/1st Appellant

7.E.Mallika



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8.S.Anitha

9.P.Amalorpavam

10.M.Pitchai Pazham

11.D.Natarajan

12.N.Senthil Kumar

13.T.Thangaraj

14.S.Hepshibai

... Respondents/Appellants 3-10

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records pertaining to C.M.A.C.S.No. 21 of 2016 on the file of the learned Principle District Judge, Tirunelveli, dated 02.06.2017 and set aside the same.

For Petitioner : Mr.Ananth Rajesh

For R1&R2 : Mr.C.Satheesh
Government Advocate

For R3-R6 : No appearance

ORDER

The President of a Co-operative Society has filed the present revision petition challenging the order passed by the Co-operative Tribunal, Tirunelveli in C.M.A.C.S.No.21 of 2016.

2. A notice under section 82 of the Tamil Nadu Co-operative Societies Act was issued to the revision petitioner and others alleging



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that they were involved in irregular appointment of employees, payment of salary to them and also payment of excess salary. It was also alleged that appointments were made in excess of the cadre strength. In the enquiry, all of them were found guilty and surcharge proceedings were initiated under Section 87 of the Tamil Nadu Co-operative Societies Act on 15.09.2015. After considering the objections raised by the delinquents, an award came to be passed on 10.03.2016. As per the said award, the revision petitioner herein and others were imposed with the liability of a sum of Rs.8,234/- with 12% future interest. Challenging the same, the revision petitioner along with others had filed C.M.A.C.S.No. 21 of 2016 before Principal District Court/Co-operative Tribunal, Tirunelveli. After considering the submissions on either side, the appeal was dismissed by the tribunal. Challenging the same, the present revision petition has been filed by the President of the Society alone.

3. According to the learned counsel appearing for the revision petitioner, he was the President of the Society for the period between May 2013 to 2016. These irregular appointments and promotions have been effected during the period when the special officer was in office, i.e., between 15.10.2012 to 08.05.2013. Therefore, liability ought not to have been imposed upon the President of the Society. He further



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contended that when the special officer being a Government servant, proceedings could be initiated only under Rule 149 of the Co-operative Societies Act and not under Section 87 of the said Act. He further contended that based upon the said award, he was disqualified from contesting in the co-operative elections that was held in the year 2018. Without considering the said facts, the Tribunal has simply dismissed the appeal.

4. Per contra, the learned Government Advocate appearing for the respondents brought to the notice of the Court that one of the irregular appointees, namely Sridevi had deposited the entire amount along with interest on 11.03.2018. Therefore, he submits that no further recovery would be made from the revision petitioner herein. According to him, nothing survives to be adjudicated in the present revision petition.

5. I have carefully considered the submissions made on either side and perused the material records.

6. It could be seen from the records that the revision petitioner along with others had filed C.M.A.C.S.No.21 of 2016. All of them have jointly contended that a settlement arrived at under Section 12 (3) of the



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Industrial Disputes Act can not be set aside by the Registrar unilaterally by fixing a lesser cadre strength. This legal issue was rejected by the Co-operative Tribunal on the ground that the cadre strength fixed by the Registrar was completely in consonance with the 12(3) settlement entered into between the parties concerned. It could also be seen from the records that the entire amount has been deposited by the irregular appointee on 11.03.2018. Therefore, no further recovery could be made from the revision petitioner. Since no recovery could be made from the revision petitioner, there is no question of invoking section 143 of the Co-operative Societies Act as against the revision petitioner. In such view of the matter, the question of disqualifying the revision petitioner as contemplated under Section 34 of the Tamil Nadu Co-operative Societies Act also does not arise.

7. In view of the above said facts, this Civil Revision Petition stands closed. No costs. Consequently, connected Civil Miscellaneous Petitions are closed.

17.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
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of Co-operative Society,
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- 2.Co-operative Society,
Sub-Registrar/field Officer/
Surcharge Proceeding Officer,
Office of the Deputy Registrar of Co-operative Society,
Cheranmahadevi,
Tirunelveli District.
- 3.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

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Order made in
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