



W.P. No.1786 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P. No.1786 of 2024
and
W.M.P. Nos.1839 and 26229 of 2024

T.Murugesan
S/o.Thangavel, No.3/17, North Street,
K.Maathur, Kamarasavalli Post- 621
715, Ariyalur District.

Petitioner(s)

Vs

1.The Chairman
Common Cadre Authority /
Joint Registrar of Cooperative Societies, Ariyalur
Region, Ariyalur,
Ariyalur District- 621 704.

2.The Joint Registrar of Cooperative Societies
Ariyalur Region, Ariyalur District- 621 704.

3.The Administrator,
YA 112 Ottakovil Primary Agricultural Cooperative
Credit Society,
Ootakovil- 621 701, Ariyalur Taluk and District

4.The Administrator
R.1145, Govindapuram Primary Agricultural
Cooperative Credit Society,
Govindapuram- 621 704,
Ariyalur Taluk and District.

Respondent(s)



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the 2nd respondent in her proceedings Na.Ka.3918/2022/Sa.pa, dated 25.07.2023 and quash the same and consequently directing the respondents to revise the Petitioner's pay scale by taking note of the petitioner receiving salary at the rate of Rs.35,055/- as received by the petitioner prior to 31.03.2018 together with increment and other service benefits including the arrears to the petitioner.

For Petitioner(s) : Mr.C.Prakasam

For Respondent(s) : Mr.S.Ravi Kumar
Special Government Pleader

ORDER

The writ petition is filed challenging the order of the 2nd respondent dated 25.07.2023 and quash the same and to consequently direct the respondents to revise the petitioner's pay scale.

2. The petitioner was appointed as a Salesman in the 3rd respondent Society in the year 1986 and subsequently promoted as Clerk in the 2005 and thereafter as Secretary in the year 2013. On 06.05.2019, the 3rd respondent passed an order suspending the petitioner from service and initiated disciplinary proceedings against the petitioner stating that the petitioner failed to supervise the other employee, on account of which the Society sustained loss. The petitioner repaid the loss as stated by the respondents, however, the disciplinary proceedings concluded with the punishment of de-promotion to the post of Assistant Secretary from Secretary. Aggrieved by the same, the petitioner filed a revision petition

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before the 2nd respondent under Section 153 of the Tamil Nadu Co-operative Societies Act, on 16.06.2022, however, the same was rejected on the ground of limitation vide order dated 29.06.2022.

2.1. Challenging the proceedings of the 1st respondent dated 29.06.2022, the petitioner filed a writ petition before this Court in W.P. No.27245 of 2022, seeking a direction to entertain the statutory revision filed by the petitioner on 16.06.2022. This Court vide order dated 07.11.2022 proceeded to set aside the order of the 2nd respondent and directed them to entertain the revision petition within a period of three months from the date of the receipt of copy of the order. Thereafter, the 2nd respondent passed an order on 25.07.2023 setting aside the order of punishment issued by the 3rd respondent and regularised the suspension period as leave period and allowed the revision petition. However, it is the case of the petitioner that he has not been paid with salary and his pay scale has not been revised.

3. The learned counsel for the petitioner would submit the petitioner's pay scale was reduced without conducting any enquiry or affording any opportunity to the petitioner. The grievance of the petitioner is that despite the order of the 2nd respondent to set aside the order of punishment, the 3rd respondent has not passed any orders till date. Thereby, the petitioner has filed the present writ petition praying for appropriate orders.



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4. Per contra, the learned Special Government Pleader appearing for the respondents would place reliance on the counter affidavit filed in support of the writ petition, the relevant portions of the counter affidavit is extracted below:

“4. Before embarking upon the denial of Affidavit allegations the BRIEF HISTORY of the case is submitted below for more elucidation of facts of the case.

a. It is submitted that the Petitioner herein while he was working as Secretary in YA 112, Ottakovil Primary Agricultural Co-operative Credit Society Ltd., the 3rd Respondent herein Crop Insurance amount was received from the Trichirappalli District Central Co-operative Bank Ltd. and the same was credited in the S.B. Account of the Society maintained with Keelapazhuvur Branch as detailed below

1. For Cotton Crop and Paddy on 26.06.2016 :Rs.13,20,486.86

2. For Paddy Crop on 28.03.2018 :Rs.4,40,912.19

Total :Rs.17,61,399.05

b. It is further submitted that the Petitioner herein has not credited the above amount to the respective Savings Bank accounts of the Members of the Society and also not made entries in the S.B. Account Ledger. Per contra the Petitioner has created bogus vouchers and has misappropriated the Society Fund to the tune of Rs.19,14,500/- with the assistance of Clerk G.Murugesan. Hence the then Management of the 3rd



Respondent Society has suspended the Petitioner from the services of the Society on 06.05.2019 F.N. After that Disciplinary Action was initiated as against the Petitioner and in the same Charge Memo was issued on 13.06.2019 and written explanation obtained on 21.06.2019.

c. It is submitted that the then Management of the 3rd Respondent Society also ordered a Domestic Enquiry in the above Disciplinary Action taken against the Petitioner and the Report was received on 16.07.2019. In the same the charges as framed as against the Petitioner has been held to be proved. There after the then Management of the Society issued Show Cause Notice on 26.08.2019 and for the same further reply was received on 28.08.2019. In this regard the then Management of the Society has observed that even though the Petitioner has remitted an amount of Rs.18,43,000/- from out of the misappropriated amount on various dates, has observed that the Petitioner is guilty of committing fraud in the funds of the Members of the Society. Furthermore the then Management of the Society has taken into account the factum of filing of Criminal Case as against the Petitioner by CCIW Police on the file of Hon'ble Judicial Magistrate Court, Ariyalur. On that score the then 3rd Respondent Society through order dt.04.12.2019 has demoted the Petitioner from the post of Secretary to the post of Assistant Secretary.

d. It is further submitted that The Hon'ble Judicial Magistrate No.1 Ariyalur has pronounced the Judgement in CC No.175/2021 on 26.04.2021. As per the same the Petitioner here in who is the Accused No.1 has been ordered to be on Probation for a period of one year from 26.04.2021 onwards under Sec 1 and 4 (3) of Probation Act. Accordingly the Probation period has already been completed for the petitioner.

e. It is further submitted that as against the above order the



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Petitioner has filed Revision Petition U/s.153 of Tamil Nadu Co-operative Societies Act, 1983 before the Joint Registrar of Co-operative Societies, Ariyalur Region, the 2nd Respondent herein on 16.06.2022. Since the above Revision Petition was filed beyond the stipulated limitation period, the Petitioner has also filed W.P.No.27245/2022 before this Hon'ble High Court and in the same by order dt.07.11.2022, the 2nd Respondent was directed to conduct Enquiry on the Revision Petition. Accordingly the 2nd Respondent herein has taken on cognizance the Revision Petition of the Petitioner and in this regard also obtained written statement from the 3rd Respondent Society on 27.03.2023. Furthermore the 2nd Respondent conducted Direct Enquiry on 21.04.2023. After that the 2nd Respondent has duly examined the subject matter and has found out that the 3rd Respondent Society has issued the punishment to the Petitioner on the basis of the misappropriated amount remitted by him and also taking into account his family circumstances. However the 2nd Respondent has observed that even though the punishment imposed on the Petitioner is justified one, in the same there is no time frame has been fixed.

f. Accordingly it is submitted that the 2nd Respondent herein order in Rc. No.3918/2022/Sa.Pa. through Impugned dated 25.07.2023 has held as below.

i. The order dt.04.12.2019 issued by the 3rd Respondent Society in the Disciplinary Action taken as against the Petitioner is set-aside.

ii. The Revision Petitioner is demoted to the post of Assistant Secretary from 05.12.2019 to 44 months (3 years and 8 months), excluding leave period.

iii. The suspension period of the Petitioner from 06.05.2019 to 04.12.2019 has to be treated as eligible leave and regularized.”



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5. Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for the respondents and perused the materials placed on record.

6. The admitted facts in the writ petition is that after the petitioner was appointed as Secretary in the 3rd respondent Society, he was issued with a charge memo on 06.05.2019 stating that he committed loss to the Society to the tune of Rs.17 lakhs, thereby, the President of the Society initiated proceedings against the petitioner, which ended in punishment of de-promotion from the post of Secretary to Assistant Secretary. The same was challenged by the petitioner under Section 153 of the Tamil Nadu Co-operative Societies Act before the 2nd respondent who in turn confirmed the reduction of rank and regularised the suspension period. The petitioner however was not paid salary for his service and thereby he prays for appropriate direction to the respondents to pay salary that is due to him.

7. In view of the above, without interfering with the order impugned in the writ petition, the concerned respondent is directed to pay applicable salary to the petitioner in the post of Assistant Secretary, if not already paid.



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8. Accordingly, the writ petition stands disposed of. No costs.

Consequently, the connected miscellaneous petitions are closed.

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Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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To:

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Common Cadre Authority /
Joint Registrar of Cooperative Societies, Ariyalur
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