



L.P.A.No.1 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN
and
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

L.P.A.No.1 of 2025

R.Panneerselvam

... Appellant

Vs.

1. A.D.Baskaran,
The Registrar of Co-operative
Societies (Housing),
Veppery, Chennai – 600 007.

2. Mr.K.Sundar,
The Deputy Registrar of Co-Operative
Societies (Housing),
Cuddalore.

...Respondent

Prayer: This Letters Patent Appeal is filed under Clause 15 of the Letters Patent to set aside the order passed in Cont.P.No.1466 of 2021 dated 17.11.2022 and punish the respondents for wilful disobedience of the order of this Court in W.P.No.28012 of 2019 dated 26.7.2021, which was confirmed by the Division Bench of this Court in W.A.No.61 of 2022 dated 09.03.2022.



WEB COPY



L.P.A.No. 101 of 2021

For Appellant : Mr.M.S.Palanisamy

For Respondent : Mr.Haja Nazirudin, AAG – II Assisted by
Mr.V.Manoharan, AGP

JUDGMENT

(Order of the Court was made by P.VELMURUGAN, J.)

The appellant was working as the Secretary of Chidambaram Taluk Co-operative Housing Society Ltd., and was retired from service on 30.06.2018. The retirement benefits of the appellant was withheld by the respondents and challenging the same, he filed Writ Petition in W.P.No.28012 of 2019 and the Writ Court vide order dated 26.07.2021 disposed of the said petition by directing the respondents to consider the appellant's representation and pass suitable orders within a period of eight weeks.

2 Since the respondents have not complied with the directions issued by the Writ Court, the appellant has filed the contempt petition in Cont.P.No. 1466 of 2021. In the meantime, the respondents initiated surcharge proceedings under Section 87 of the Tamil Nadu Co-operative Societies Act (in short "the Act") and the appellant also challenged the Show Cause Notice in W.P.No.13342 of 2020 and obtained an order of interim stay. The respondents, against the order of the learned Single Judge dated 26.07.2021, have filed Writ Appeal, which was dismissed with a direction to the



L.P.A.No. 13342 of 2020

respondents to disburse provident fund and gratuity with 10% interest to the appellant, against which, SLP was preferred and the Hon'ble Supreme Court, while dismissing the SLP reduced the rate of interest from 10% to 7%. Accordingly the respondents disbursed the provident fund and gratuity and since surcharge proceedings is pending, the respondents have withheld only the leave salary, in order to recover the financial loss to the Society, depends upon the outcome of the surcharge proceedings. Finding the same is reasonable and considering all the relevant facts, the learned Single Judge, closed the contempt petition. Aggrieved over the same, the appellant is before this Court.

3 A careful reading of the order of the learned Single Judge passed in the Contempt Petition, reveal that the appellant has challenged the Show Cause Notice issued in the surcharge proceedings under Section 87 of the Act and the same is pending before this Court in W.P.13342 of 2020, wherein the Writ Court granted an interim stay. It is to be noted that in the event of final order in the surcharge proceedings to recover the financial loss to the Society, it may not be possible for the authority competent to recover the financial loss, if the authority disburse all the benefits.

4 Therefore we are of the considered view that the respondents' act of withholding the leave salary alone is justifiable and reasonable, since except the leave



L.P.A.No. 101 of 2025

salary, all other benefits have been settled to the appellant. We find no reason to interfere with the order, against which the present appeal is filed.

WEB COPY

5 In the result, the Letters Patent Appeal stands dismissed as devoid of merits and substances. However, the appellant is at liberty to workout his remedy in the manner known to law.

[PVJ]

[MJRJ]

19.12.2025

cgi



WEB COPY



L.P.A.No.1 of 2025

P.VELMURUGAN. J.
and
M.JOTHIRAMAN, J.

cgi

L.P.A.No.1 of 2025

19.12.2025