



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2025

CORAM:

THE HONOURABLE MRS.JUSTICE N. MALA

Civil Revision Petition No.2484 of 2023

K.Kannan

... Petitioner

Versus

1. The Circle Deputy Registrar of
Co-operative Societies,
Mayiladuthurai Circle,
Mayiladuthurai.

2. Deputy Registrar / Managing Director,
T917 The Mayiladuthurai Consumer
Co-operative Whole Sale Stores Ltd.,
Mayiladuthurai.

... Respondents

Prayer: Petition filed under Article 227 of the Constitution of India praying to set aside the order passed in Co-op.C.M.A.No.09 of 2015, dated 24.02.2023 on the file of Additional District Judge, Mayiladuthurai confirming the surcharge order passed by the 1st respondent in Na.Ka.No.2658/2014/Va.Tha. Dated 10.04.2015 in so far as items 3 and 4.

For Petitioner : Mr.M.S.Palaniswamy

For Respondent-1 : Mr.B.Tamilnidhi
Additional Government Pleader

For Respondent-2 : Mr.SP.Karthik

**ORDER**

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This Civil Revision Petition is filed challenging the judgment and decree dated 24.02.2023 passed in Co-op.C.M.A.No.09 of 2015, by the learned Additional District Judge, Mayiladuthurai, confirming the surcharge order dated 10.04.2015 passed in Na.Ka.No.2658/2014 va.tha. by the first respondent.

2. The petitioner joined as a Salesman in the second respondent store on 08.07.1986. He was promoted as Junior Assistant on 08.07.2000. The petitioner was further promoted as Assistant on 30.11.2011. After serving for about 36 years in the second respondent store, the petitioner retired from service on 30.11.2022. While working as Assistant, in the Head office of the second respondent stores, the petitioner was deputed to work as Stock Verification Officer, in medical shop run by the second respondent stores for a period of six months from 01.04.2013 to 30.09.2013. After the petitioner was relieved from the post of Stock Verification Officer, the first respondent ordered enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act into the affairs of the second respondent stores.

3. The Enquiry Officer submitted his report on 29.04.2014, to the first respondent and based on the said report, the first respondent issued



surcharge proceedings under Section 87 of the Tamil Nadu Co-operative Societies Act, in Surcharge Case No.4/2014, dated 14.10.2014. In the surcharge proceedings, the petitioner submitted a representation on 20.11.2014, to the first respondent requesting for a copy of the enquiry report and also relevant documents to enable him to defend his case. Since the first respondent failed to furnish the enquiry report and documents, the petitioner submitted a second representation on 31.01.2015, with similar request to the first respondent. However, the first respondent, without furnishing the enquiry report and documents, proceeded with the surcharge proceedings and passed surcharge order in SC No.4/2014, on 10.04.2014. Aggrieved by the said order, the petitioner filed appeal under Section 152 of the Tamil Nadu Co-operative Societies Act before the learned Additional District Judge, Mayiladuthurai.

4. The learned Additional District Judge, Mayiladuthurai, by the impugned judgment and decree dated 24.02.2023 passed in Co.op.C.M.A.No.09 of 2015, dismissed the appeal thereby confirming the surcharge order passed by the first respondent. Aggrieved by the judgment and decree dated 24.02.2023, passed in Co.op.C.M.A.No.09 of 2015, by the learned Additional District Judge, Mayiladuthurai, the petitioner has filed the above Civil Revision Petition.



5. The learned Counsel for the petitioner submitted that a common surcharge order was passed on 10.04.2015, against the petitioner herein and four others. The learned counsel further submitted that one of the delinquent employees, challenged the order passed in C.M.A. confirming the surcharge order dated 10.04.2015 in C.R.P.No.3018 of 2023, on the ground that the non-supply of the enquiry report and the documents prejudiced his ability to contest the case. This Court allowed the said Civil Revision Petition by setting aside the tribunal's order and further directing the respondents to furnish the enquiry report and documents to the petitioner therein. The learned Counsel therefore submitted that considering the commonality of the surcharge order and the issues raised in the Civil Revision Petition, similar order may be passed in this Civil Revision Petition.

6. Heard both sides.

7. Admittedly, the C.R.P.No.3018 of 2023 was filed against the order passed by the tribunal, confirming the surcharge proceedings dated 10.04.2015, which was commonly passed against the petitioner herein and four others. As rightly contended by the learned counsel for the petitioner, this Court in C.R.P.No.3018 of 2023 set aside the judgment and decree dated 24.02.2023 in Co.op.C.M.A.No.12 of 2015 of the learned Additional District



Judge, Mayiladuthurai, on the ground that in the enquiry proceedings the documents requested by the petitioner therein were not furnished. The petitioner herein has also raised the similar issue of non-furnishing of the enquiry report and other relevant documents.

8. Considering the identity of the issues in both cases, following the order passed in C.R.P.No.3018 of 2023, dated 01.08.2025, this Court is inclined to set aside the impugned judgment and decree dated 24.02.2023 passed in Co-op.C.M.A.No.09 of 2015, by the learned Additional District Judge, Mayiladuthurai, and the surcharge order passed by the 1st respondent in Na.Ka.No.2658/2014/Va.Tha. Dated 10.04.2015 and remand the matter to the first respondent for fresh consideration.

9. Accordingly, this Civil Revision Petition is allowed. The impugned judgment and decree dated 24.02.2023 passed in Co-op.C.M.A.No.09 of 2015, by the learned Additional District Judge, Mayiladuthurai and the surcharge order passed by the 1st respondent in Na.Ka.No.2658/2014/Va.Tha. dated 10.04.2015 are set aside and the matter is remitted to the first respondent for fresh consideration. The respondents are directed to furnish the enquiry report and relevant documents to the petitioner so as to enable the petitioner to defend his case. The first respondent is further



directed to strictly comply with the provisions of Section 87(4) of the Tamil Nadu Co-operative Societies Act while rehearing the case of the petitioner on remand and thereafter decide the surcharge case. No costs.

24.10.2025

srm

Internet : Yes/No

Index : Yes/No

Speaking order/Non-speaking order

To

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Co-operative Societies,
Mayiladuthurai Circle,
Mayiladuthurai.
2. Deputy Registrar / Managing Director,
T917 The Mayiladuthurai Consumer
Co-operative Whole Sale Stores Ltd.,
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N.MALA,J.

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