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C.R.P.No.3498 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.06.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.No.3498 of 2022
and CMP.No.18629 of 2022

Arjunan

... Petitioner

Vs

1.The Deputy Registrar of Cooperative Societies
Salem Circle, Salem.

2.The President / Special Officer
S.411 Sooramangalam Primary Agricultural
Cooperative Bank Ltd.,
Sooramangalam, Salem - 636 005.

3.P.Arulanandham

4.R.Selvaraj

5.K.C.Sundharam

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, challenging the fair and decreetal order passed by the Principal District Judge, Salem in C.M.A.(C.S) No.1 of 2008 dated 25.02.2019 confirming the order passed by the first respondent in his proceedings in Na.Ka.No.5016/2007 Sa.Pa. dated 11.10.2007.



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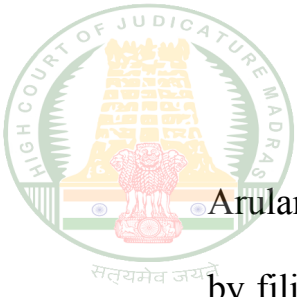
For Petitioner : Mr.R.Thamaraiselvan

For Respondents : Mr.Tamilnidhi
Additional Government Pleader for R1
Dr.S.Suriya
Additional Government Pleader for R2

ORDER

Seeking to set aside the order of the first respondent dated 25.02.2019 in C.M.A.(CS) No.1 of 2008 and to quash the surcharge order passed by the second respondent in Na.Ka.No.5016/2007 Sa.Pa. dated 11.10.2007, the petitioner has filed the present revision petition.

2. The case of the petitioner is that the second respondent-bank had opened a service centre branch at Salem junction, in which, the petitioner herein was posted to work as a cashier from 13.04.2005 and 31.10.2005. The third respondent was the Manager of the Bank, the fourth respondent was also a cashier and the fifth respondent was the Secretary of Suragmangalam branch. During his tenure of service as cashier, certain irregularities were found to have taken place and proceedings under Section 81 of the Tamil Nadu Cooperative Societies Act, 1983, were initiated against the petitioner and others namely K.C.Sundaram, R.Selvaraj,



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Arulanandham, and ultimately, they challenged the surcharge proceedings by filing separate appeals. The appeal preferred by the petitioner was taken on file in CMA.CS.No.1 of 2008 before the Principal District Judge, Salem.

3. The individual appeals filed by the aforesaid persons were taken up together for hearing and the learned Judge had passed a common order dated 25.02.2019, in and by which, the appeal filed by the petitioner herein CMA.CS.No.1 was dismissed, thereby, confirming the charges framed against him. Hence, the petitioner is before this Court to quash the order dated 25.02.2019 passed by the the Principal District Judge, Salem insofar his appeal in CMA(CS) No.1 of 2008 and also to quash the surcharge order passed by the second respondent dated 11.10.2007.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

5. The records would indicate that the surcharge proceedings were jointly initiated against the petitioner as well as the other staff of the second respondent-Bank, and ultimately they were found guilty. The proceedings



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were challenged by each of them individually by way of an appeal before the Principal District Court, Salem. The learned District Judge allowed only the appeal preferred by K.C.Sundaram, and dismissed the appeals filed by the petitioner and other two staff namely Selvaraj and Arulanandham.

6. It is brought to the notice of the Court that as against the dismissal of the appeals preferred by Selvaraj and Arulanandham, they have filed civil revision petitions before this Court in CRP.No.2938 of 2022 and CRP.No.141 of 2023 respectively. This Court, by orders dated 08.04.2024 and 07.06.2024, had dismissed both the revisions. The learned Judge in its order dated 07.06.2024 in CRP.No.141 of 2023, has observed as follows:

"7. With respect to the loss of the amounts that had occurred to the Society, it is on record that Arulanandham, Selvaraj and Arjunan used to collect the amounts directly from the subscribers/members of the bank, but they did not deposit the amount to the credit of the Society. In other words, they received the amounts and pocketed the same with themselves depriving the society of its rightful income.

8. A perusal of the award as well as the proceedings of the appellate authority would show that



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the finding is that Selvaraj, Arulanandham, and Arjunan had tampered with the records of the Society. In fact, as the Manager of the Society, Arulanandham and Selvaraj had signed the jewel return register and it was of account of this fact, the second respondent came to a conclusion that without their knowledge there is no way that the jewels which had been pledged with the Society could have been returned. The Society had suffered loss because the amounts that had been paid by the persons who had taken back their jewels had not been deposited with the Society and in some cases, jewels had been returned without even receipt of the amounts. These factual findings have been gone into in details by the appellate authority and only thereafter he had come to the conclusion that Selvraj, Arulanandham and Arjunan are responsible for the losses caused. Further more, the civil revision petitioner Arulanandham had executed a notarised document dated 21.12.2006 stating he was the person who was responsible for causing loss to the Society."

7. In the light of the above, this Court is bound to pass similar orders in the present civil revision petition also as it emanates from the common order. Accordingly, this civil revision petition is dismissed. No costs.



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Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Neutral Citation : Yes / No

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P.T. ASHA, J.

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