



W.P.No.34601 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2025

CORAM

THE HONOURABLE MR.JUSTICE G.K. ILANTHIRAIYAN

W.P.No.34601 of 2023

and

WMP.Nos.34525, 23530 & 34533 of 2023

M.Sithimurugan

.. Petitioner

Vs.

1. The Joint Registrar of Cooperative Societies/
Revisional Authority,
Salem Region, Salem, Salem District.

2. The Deputy Registrar of Cooperative Societies
Omalur Circle, Omalur,
Salem District.

3. The Administrator,
S.M.38, Kolathur Panchayat Union
Employees and Teachers Cooperative
Thrift and Credit Society Ltd.,

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Kolathur Post - 636 303, Mettur Taluk,
Salem District.

.. Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the 3rd respondent in her proceedings Na.Ka.01/2023 O.Na, dated 05.09.2023 and quash the same and consequently directing the respondents to reinstate the petitioner into service with backwages, attending benefits and other monetary benefits to the petitioner and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioners : Mr.C.Prakasam

For Respondent : Mrs.M.Geetha Tamaraiselvan, SPL GP



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for R.1 to R.3

ORDER

This Writ Petition has been filed challenging the order passed by the 3rd respondent dated 05.09.2023, thereby dismissing the petitioner from service.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner was appointed as a Secretary in the 3rd respondent society on 01.09.1991. While being so, there was misappropriation of funds to the tune of Rs.2,57,73,642/- due to which the petitioner was suspended from service on 09.09.2021. After due enquiry and after giving opportunity of hearing to the petitioner, the petitioner was ultimately terminated from service.

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4. The learned counsel for the petitioner submitted that, since the petitioner was not paid any subsistence allowance during the period of suspension, he filed a revision petition against the order of suspension before the 1st respondent. However, the said revision was rejected on the ground that the petitioner was not residing at the headquarters of the 3rd respondent-society, namely, Kolathur. The learned counsel further submitted that, as the respondents had not paid subsistence allowance and the petitioner had no other source of income, he was unable to pay rent or support his family at Kolathur, and therefore he shifted to his native place. However, no sufficient grounds have been made out to challenge the order of termination from service.

5. On perusal of the counter filed by the respondents and submission made by Mrs.M.Geetha Tamaraiselvan, learned Special Government Pleader



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reveals that the petitioner had misappropriated a sum of Rs. 2,57,73,642/- while he was working as Secretary of the 3rd respondent society during the period from 01.04.2011 to 30.09.2020. The petitioner is stated to have misappropriated the said amount in the following manner:-

i. Misappropriated the loan remittance amount of 12 loanees to the tune of Rs. 19,86,16,69/- by issuing fake receipts to them between 01.04.2011 and 14.02.2015.

ii. Misappropriated the Society's funds to the extent of Rs.5,30,311/- by altering cheques between 21.08.2018 and 28.02.2019.

iii. Misappropriated loan amounts remitted in cash by the loanees, to the tune of Rs. 1,46,10,659/-, and made fake entries as if the amounts were collected as monthly instalments between 01.04.2011 and 25.04.2016.

iv. Misappropriated the loan amounts of 90 members to the extent of Rs. 31,21,859/- by making entries in the loan ledger alone, without accounting them in the cash chitta or cash book, between 01.10.2011 and 31.01.2020.

v. By falsifying the accounts, he created an impression that the

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Society was running at a profit and had disbursed dividends, while in fact the Society had incurred a loss, thereby causing a loss to the Society to the extent of Rs. 53,044/-

6. After an enquiry, the enquiry officer recommended to prosecute the petitioner, to initiate surcharge proceedings and to initiate disciplinary proceedings. Consequently, a criminal case was registered against the petitioner and he is facing prosecution, a surcharge proceedings was initiated as against the petitioner to the tune of Rs.2,21,21,372/- in RC.No.224/2021 SF dated 15.06.2022 and a domestic enquiry was ordered against the petitioner in R.C.No.1/2022 DA dated 25.08.2022.

7. Ultimately, after considering the enquiry report submitted by the domestic enquiry officer and explanation submitted by the petitioner on the domestic enquiry report, the 3rd respondent dismissed the petitioner from service by proceedings dated 05.09.2023.



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8. Considering the fact that the petitioner had misappropriated substantial funds of the 3rd respondent society to the tune of Rs.2,57,73,642/- and as no sufficient grounds have been made out to challenge the order of termination from service, this Court finds no reason to interfere with the order of suspension passed by the 3rd respondent dated 05.09.2023.

9. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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