

W.A(MD) No.998 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 15.07.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD) No.998 of 2023
and
C.M.P.(MD)No.7760 of 2023**

- 1.The Tamil Nadu Industrial Co-operative Bank Limited,
Rep. by its “Chief Executive Officer”
Mr.R.Ravichandran,
No.36, South Canal Road,
R.A.Puram, Mandavelipakkam,
Chennai-600 028.
 - 2.The Branch Manager,
The Tamil Nadu Industrial Co-operative Bank Limited
(TAICO),
Karur,
Karur District.
- ... Appellants / Respondents
- Vs.
- N.Natarajan
- ... Respondent / Petitioner



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order passed in W.P.(MD)No.7824 of 2020, dated 15.06.2022 on the file of this Court.

For Appellants : Mr.G.Karthik
for M/.Lajapathi Roy & Associates

For Respondent : Mr.R.Gowrishankar
for M/s.S.Karthikeyan

JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

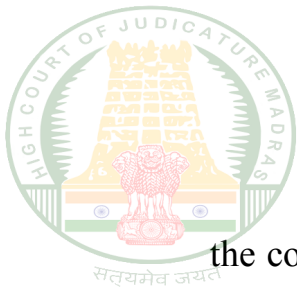
2. One N.Natarajan was functioning as in-charge Manager of TAICO Bank, Thriuvotriyur Branch on 13.10.2014, 15.12.2014 & 18.12.2014. During the relevant time, Natarajan was a party to sanctioning 7 jewel loans (5 renewal & 2 fresh loans). It turned out that the pledged jewellery were spurious. In this regard, enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act was conducted.



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It was followed by the surcharge proceedings initiated under Section 87 of the Act. Natarajan was found liable to the tune of Rs.1,62,078/- vide order dated 11.03.2020. The employer enforced the said surcharge proceedings by recovering the said amount from Natarajan's salary in 11 monthly installments. Natarajan filed W.P.(MD)No.7518 of 2020 questioning the surcharge order. He also filed W.P.(MD)No.7824 of 2020 challenging the recovery order made by the employer. Both the writ petitions were allowed by the learned single Judge vide common order dated 15.06.2022. The learned single Judge proceeded on the footing that Natarajan was vexed with two surcharge orders. Aggrieved by the said order, this writ appeal came to be filed by the employer.

3. After carefully going through the entire materials on record, we are more than satisfied that surcharge proceedings were initiated against Thiru.Natarajan only once and that the learned single Judge was under the erroneous impression that the order dated 11.03.2020 was the second surcharge order. But still we are unable to allow the writ appeal filed by the employer for the very simple reason that Natarajan had filed two writ petitions; one was against the surcharge order and the other was against



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the consequential recovery order. A common order was passed allowing both the writ petitions. The employer failed to challenge the order made in W.P.(MD)No.7518 of 2020. Hence, the principles of res judicata will operate against the appellant.

4. In this view of the matter, even though we uphold the contentions of the learned counsel for the appellants, this writ appeal has to be dismissed as not maintainable. However, the amount already recovered from the writ petitioner need not be refunded. The writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (K.R.S., J.)
15.07.2025

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