



W.A.(MD)No.990 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.10.2025**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND

THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.A.(MD)No.990 of 2021

R.Nallaperumal

...Appellant/Writ Petitioner

/Vs./

1.The Joint Registrar of Co-operative Societies,
Dindigul Region,
Dindigul.

2.The Managing Director,
Dindigul District Central Co-operative Bank Ltd.,
Kootturavu Nagar,
Trichy Road,
Dindigul.

... Respondents/Respondents

PRAYER:- Writ Appeal - filed under Clause 15 of Letters Patent, against
the order dated 01.04.2021 passed by this Court in W.P(MD)No.27133 of
2019.

For Appellant : Mr.Mohammed Zamel
for Mr.Ajmal Associates



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For R1 : Mr.D.Saddiq Raja
Additional Government Pleader
For R2 : Mr.S.Seenivasagan

JUDGMENT

(Judgment of the Court was made by **C.KUMARAPPAN, J.**)

The petitioner before the writ Court is the appellant herein. Similarly the respondents before the writ Court are the respondents herein.

2.For convenience sake, the parties will be referred according to their litigative status before the writ Court.

3.The learned counsel appearing for the petitioner would vehemently contend that the officer, who passed the impugned order as the revisional authority, has represented the second respondent Managing Director, before the reviewing authority. It is his further submission that the charge memorandum issued against the petitioner is vague, and that the petitioner has been served with the similar charge memorandum



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previously. Apart from that, the learned counsel for the petitioner would contend that neither the writ Court nor the revisional authority has considered the perversity of the order impugned in the writ petition. Apart from that, the learned counsel had relied upon various factual infirmities, which according to them were not considered by the Enquiry Officer. It is also the contention of the petitioner that the very factum of exoneration from the surcharge proceedings have not been considered by the respondents. Hence, he prays to allow the writ appeal.

4.The said contention was stoutly objected by the learned Additional Government Pleader appearing for the first respondent and would contend that the petitioner, did not challenge the process of enquiry before the writ Court. It is well settled principles of law that except the procedure, the decision reached by the authority, cannot be challenged unless such decision is perverse. In this connection, the learned Additional Government Pleader relied upon the judgment of the Hon'ble Supreme Court in *State of Uttar Pradesh and another vs Man Mohan Nath Sinha and another* reported in (2009) 8 SCC 310.



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5.The Writ Court, after considering the either side submissions, by referring the judgment of the Hon'ble Supreme Court in ***Kuldeep Singh v. Commissioner of Police and Others***, reported in ***(1999) 2 SCC 10*** and ***State of Uttar Pradesh v. Man Mohan Nath Sinha and another*** reported in ***(2009) 8 SCC 310***, and ultimately dismissed the writ petition. Aggrieved with the same, the present writ appeal is filed.

6.We have given our anxious consideration to either side submissions and also perused the materials available on record.

7.The admitted facts of the case is that the petitioner while serving as Assistant General Manager at Dindigul Central Co-operative Bank, Dindigul, was subjected to disciplinary proceedings, and was issued with a charge memorandum, dated 29.04.2017. The charge memorandum relating to the issuance of bogus grading certificate, which resulted in loss to the bank to the tune of Rs.2,70,16,850/-. The petitioner was given opportunity to defend, and eventually he was found guilty of charges, however, the financial loss was assessed to the tune of



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Rs.14,79,457/-. As a consequence, by an order dated 04.09.2018, he was imposed with the punishment of withholding of annual increment for a period of four years. Against such order, the petitioner filed a revision before the revisional authority and the same also got dismissed on 22.11.2019.

8.Though it was the contention of the petitioner that the authority, who passed the impugned order, has defended the second respondent Managing Director, before the revisional authority, such contention was raised first time before the writ Court. It is pertinent to mention here that, having allowed such officer to pass an order, and acquiesced the action, cannot take such defence before this Court in appellate stage. Though the learned counsel would contend that the charge memorandum is vague, on perusal of the charge memorandum dated 07.08,2012, we are not in a position to subscribe to such view. It is equally admitted position that such defense was not taken before the writ Court. Therefore, it is too farfetched for the petitioner to raise such defense at the writ appeal stage.



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9. Apart from that, the power and extend of the Judicial review has been dealt in various judgment of the Hon'ble Supreme Court. The judgment referred by the learned Additional Government Pleader in *Man Mohan Nath Sinha case(cited supra)*, also reiterated the legal position regarding judicial review. Here, many of the arguments of the petitioner is related to the factual position which cannot be urged before the writ Court. In respect of the decision making process, the only contention put-forth by the learned counsel for the petitioner is that a person, who defended the second respondent before the revisional authority, has passed the order impugned in the writ petition. As already stated, no such defense was taken before the writ Court, and further the petitioner has not raised such a defense before the revisional authority before passing such an order. Therefore, having once acquiesced and encouraged the conduct of the enquiry proceedings before the authority concerned, cannot take such a stand at the latter point of time. Therefore, in view of the above detailed discussion, this Court absolutely does not find any merit in the present appeal.



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10.In the result, this Writ Appeal stands dismissed. No costs.

[A.S.M.J.] & [C.K.J.]
13.10.2025

NCC :Yes/No
Index :Yes/No
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DR.ANITA SUMANTH, J.
AND
C.KUMARAPPAN, J.

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Order made in
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Dated:
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