



CRP.(MD)Nos.2551 & 2726 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2025

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

CRP.(MD)Nos.2551 & 2726 of 2025

and

CMP.(MD)Nos.15202, 16053, 17054 & 17059 of 2025

1.Dharmaraj ... Petitioner in CRP.(MD)No.2551 of 2025

2.S.Kalimuthu ... Petitioner in CRP.(MD)No.2726 of 2025

Vs.

The Deputy Registrar of Co-operative Societies,
No.20, Kamatchiamman Kovil Street,
Aranthangi Town & Post,
Pudukkottai District.

... Respondent in both CRPs.

Common Prayer : Civil Revision Petitions filed under Article 227 of the Constitution of India, praying to set aside the impugned judgment and decree passed in CMA.(CS)Nos.08 & 07 of 2015 dated 06.07.2017 on the file of the Principal District Court, Pudukkottai.

For Petitioners : No Appearance
(in both CRPs.)



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For Respondent
(in both CRPs.)

: Mr.S.Vinodh,
Government Advocate.

COMMON ORDER

The petitioners, erstwhile employees of Primary Agricultural Co-Operative Credit Socceity, have filed these civil revision petitions as against the order passed by the Tribunal in CMA.(CS)Nos.08 & 07 of 2015 dated 06.07.2017.

2.The petitioner in CRP.(MD)No.2551 of 2025 was the Senior Clerk of the Society and the petitioner in CRP.(MD)No. 2726 of 2025 was the Special Officer of the Society. With regard to the affairs of the Society, enquiry under Section 81 of the Tamil Nadu Co-Operative Societies Act [hereinafter referred as 'the Act'] was contemplated and the enquiry reveals that the petitioners colluded with another employee, who was in-charge of the Secretary of the Society along with one Rowthar Naina Mohammed, had created bogus documents as if 9,384 bags of paddy each 60 kgm were stored in the Tamil Nadu Warehouse



Corporation, Dindigul and disbursed a sum of Rs.60,88,000/-

as loans in the name of 21 persons including the said Rowthar Naina Mohammed, in between 13.03.2012 to 19.06.2012. The loan applications, loan bonds and the documents produced for opening savings Bank Account in the names of 21 beneficiaries, were found to be bogus. The enquiry officer has examined all those 21 beneficiaries and thereafter submitted his detailed report, on 17.05.2013, based on which, surcharge proceedings under Section 87 of the Act was initiated as against the petitioners and two others in the year 2013. Surcharge notice was issued on 09.12.2013 and the petitioners have also made a request for issuance of certain documents. The documents were also issued to them on 25.04.2014 and 14.06.2015. Summons issued for the enquiry was also received by the petitioners. On 06.06.2014 the petitioners have sought for permission of the enquiry officer for engaging a Lawyer on behalf of themselves, which was also allowed. The petitioners were represented through a learned counsel throughout the proceedings under Section 87 of the Act. Enquiry was conducted on 25.06.2014, 10.07.2014 and 22.07.2014 and



06.08.2014. The petitioners' counsel have also cross examined the Management witnesses. Thereafter, final order under Section 87 of the Act was passed by the respondent, on 25.08.2014. As against the said order, the petitioners have preferred an appeal before the Tribunal under Section 152 of the Act and the same was entertained and disposed in CMA. (CS)Nos.08 & 07 of 2015 on 06.07.2017. Against those orders, the petitioners have initially preferred writ petitions and this Court has also entertained the same and granted an order of interim stay. Pursuant to the orders of the Division Bench, those writ petitions, which are filed against the orders of the Tribunal were converted as civil revision petitions and accordingly, the writ petitions filed by the petitioners are also converted and listed for hearing before this Court.

3. When CRP.(MD)No.2551 of 2025 was taken up for hearing, on 19.09.2025, the learned Senior Counsel appearing for the petitioner submitted that yet another writ petition connected with this issue is pending in WP.(MD)No.1306 of 2018 and requested to take up the revision along with the said



writ petition. Accordingly, this Court directed the Registry to post the said writ petition along with this revision on 26.09.2025. Since the other writ petition has also been filed as against the order of the Tribunal, the same was also converted as civil revision petition in CRP.(MD)No.2726 of 2025. Both the revisions were listed for final disposal on 26.09.2025. However, at request of the learned Government Advocate, it has been adjourned to 08.10.2025. On the next date of hearing, the learned Senior Counsel raised a plea that the entire amount as per the surcharge proceedings was already paid by the said Rowthar Naina Mohammed. Therefore, this Court directed the Government Advocate to get instructions with regard to the submissions from the Deputy Registrar, Co-Operative Societies, Pudukkottai District. The learned Government Advocate has also produced a letter of the Deputy Registrar dated 22.10.2025 that a portion of surcharge amount ordered under Section 87 of the Act, ie., Rs.45,84,000/- was already recovered however, balance amount along with interest, ie., Rs.69,97,475/- is yet to be recovered. Thereafter, the petitioners have filed impleading petitions in CMP.(MD)Nos.17054 & 17059 of 2025 in CRP.



(MD)Nos.2551 & 2726 of 2025 on 17.10.2025 to implead the

Primary Co-operative Society as a party to these proceedings.

Considering the time in which these impleading petitions have been filed, this Court has passed an order that the applications for impleading can be decided during the final disposal of the main revisions and directed the Registry to list the cases on 28.10.2025.

4. On 28.10.2025, there was no representation for the petitioners and therefore, the cases were passed over and the learned Government Advocate has also informed about the same to the learned counsel for the petitioner. Even thereafter, in the afternoon session, there was no representation on behalf of the petitioners. Therefore, this Court directed the Registry to list these revisions on 29.10.2025, ie., today, under the caption "For Dismissal". Today, when these matters were taken up in the morning sessions, there was no representation and again, it were taken up in the afternoon session. Even in the afternoon session, there was no representation for the petitioner. Therefore, this Court is left with no other option to dismiss



these civil revision petitions. While dismissing these civil revision petitions this Court is inclined to consider the manner in which adjournments have been taken and the manner in which these matters have been left un-represented.

5. For the misappropriation of more than Rs.60 Lakhs said to have committed during the year 2012, enquiry was conducted and surcharge was initiated in the year 2013. Surcharge order was passed in the year 2013, against which appeals in CMA.(CS)Nos.08 & 07 of 2015 have been preferred in the year 2015. These appeals were also dismissed by the Tribunal in the year 2017. Aggrieved by the same, writ petitions were erroneously filed in the year 2018. This issue is pending ideal without any finality for the past 7 years. It appears that the petitioners are not interested in prosecuting this petitions. The petitioners have prosecuted these revisions by engaging a learned Senior Counsel for three hearings. Thereafter, they have filed the applications to implead the Co-operative Society in order to drag on issue further. When this Court is not inclined to entertain the impleading petitions and insisted for



final disposal, there was no representation for the petitioner on 28.10.2025 and also today, ie., 29.10.2025. The petitioners' counsel was informed about the listing of these petitions through the learned Government Advocate. Even thereafter, the petitioners have not preferred to appear before this Court and prosecute the case. Considering the manner in which the petitioners have prosecuted these revisions, this Court is inclined to proceed with these revisions on merits also.

6.The main contention of the petitioners is that the enquiry report, based on which surcharge proceedings was initiated, was not furnished. A stand has been taken by the respondent that the enquiry report was issued to the petitioners, on 14.06.2014 and their acknowledgment has also been obtained. Specific ground has also been taken in the counter affidavit that the petitioners have filed an application to furnish certain documents including enquiry report before the respondent and those documents were also furnished to the petitioners on 28.02.2014 and 14.06.2014.



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7. Second ground taken by the petitioners is that no sufficient opportunity was provided to the petitioners during surcharge proceedings. In the counter affidavit, the respondent has stated that the surcharge notice was issued on 09.12.2013 and the same was received by the petitioners on 13.12.2013. The petitioners have made a request for issuing certain documents and the same were also furnished on 28.02.2014 and 14.06.2014. Thereafter, summons for hearing was issued on 28.05.2014 and the same was received by the petitioners on 01.06.2014. On 06.06.2014, the petitioners have made a request to engage a counsel to defend them and the same was also allowed by the respondent and the petitioners have appeared along with their counsel, on 17.06.2014. Thereafter, the case was taken up again, on 25.06.2014, 10.07.2014, 28.07.2014 and 06.08.2014. On 06.08.2014 the petitioners have appeared through their counsel and have also cross examined the Management witnesses. Only thereafter, surcharge order has been passed by the respondent. Therefore, this Court is of the view that sufficient opportunity was provided to the petitioners during surcharge proceedings.



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WEB COPY 8. In view of the above, this Court is not inclined to interfere with the findings of the Tribunal in CMA.(CS)Nos.08 & 07 of 2015 dated 06.07.2017 and these civil revisions petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

29.10.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
gns

To

The Principal District Court, Pudukkottai.



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B.PUGALENDHI,J

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