

W.P.(MD)No.18609 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.10.2025

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.18609 of 2023

and

W.M.P.(MD).Nos.15448, 22851 and 19497 of 2023

R.Thavidan

... Petitioner

Vs.

1.The Joint Registrar Co-Operative Societies,
Virudhunagar Region,
Collectorate,
Virudhunagar Post and District.

2.The Deputy Registrar Co-Operative Societies,
Aruppukottai Circle,
Narmada Complex 3rd Floor,
Panthalkudi Road,
Arupukottai Post,
Virudhunagar District.

3.The Assistant Director of Co-Operative Audit,
TANFET Building,
Near to TNSTC Depot,
Madurai Road,
Virudhunagar Post and District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records in pursuant to the impugned order passed by the second respondent in Na.Ka.No. 6162/2022/Tho.Ve.Sa dated 29.05.2023 and quash the same.



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For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.A.Baskaran,
Additional Government Pleader

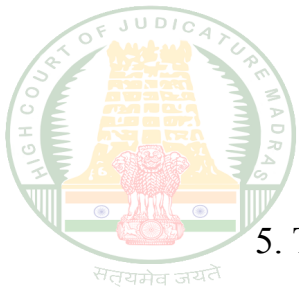
ORDER

This writ petition has been filed by the petitioner Society challenging the impugned order dated 29.05.2023 passed by the second respondent, directing the petitioner to recover a sum of Rs.1,84,388- from one Mr.Alagumalai, Ex-Secretary of the Society.

2. According to the second respondent, under the impugned order, the Selection Grade was erroneously awarded to the said Alagumalai by the petitioner Society.

3. The petitioner has challenged the impugned order primarily on the ground that on account of the inordinate delay of more than 14 years in passing the impugned order, the said Alagumalai, who was an employee of the petitioner Society, cannot be penalized.

4. A counter-affidavit has been filed by the respondents denying the contentions of the petitioner. They would reiterate the contents of the impugned order.



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5. The following are the undisputed facts:

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a). Only after an inordinate delay of more than 14 years, the impugned order came to be passed directing the petitioner Society to recover the alleged excess payments made to Alagumalai, the petitioner's employee, on account of the alleged erroneous award of the Selection Grade to Alagumalai.

b). The respondents have not initiated any action against the said Alagumalai, the employee of the petitioner Society, who according to the respondents, was erroneously awarded the Selection Grade by the petitioner / Society.

c). The salary of Alagumalai was fixed only by the second respondent in the year 2016 itself. However, only after a lapse of more than 14 years based on the audit report, the respondents have directed the petitioner Society, under the impugned order, to recover the alleged excess payments made to Alagumalai.

6. On account of the inordinate delay on the part of the respondents to initiate recovery proceedings against Alagumalai, the employee of the petitioner and on account of the fact that the said Alagumalai, who was also allowed to retire from service by the petitioner Society on 31.01.2025 itself and that too when the petitioner is having the benefit of the interim stay of operation of the impugned order from the year 2023 onwards, this Court is of the considered



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view that, necessarily, the impugned order has to be quashed and this writ will

have to be allowed.

7. It is also to be noted that the respondents have also not initiated any legal action against Alagumalai till date for recovery of the alleged excess payments said to have been made to him.

8. For the foregoing reasons, this writ petition is allowed by quashing the impugned order impugned order dated 29.05.2023 passed by the second respondent. No costs. Consequently, the connected miscellaneous petitions are closed.

13.10.2025

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

1.The Joint Registrar Co-Operative Societies,
Virudhunagar Region,
Collectorate,
Virudhunagar Post and District.



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ABDUL QUDDHOSE, J

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