



W.P.(MD) No.13453 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved On : 06.08.2025

Pronounced On : 10.09.2025

CORAM:

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

W.P. (MD) No.13453 of 2017

I.Chandrasekaran(58/17),
S/o.Ilangaisamy,
Co-operative Sub Registrar, (Rtd)
MIG 476, Nethaji Nagar,
New Housing Unit,
Thanjavur - 613 005.

... Petitioner

Vs.

1. Registrar of Co-operative Societies,
NVN Natarajan Maaligai,
No. 170, EVR Periyar High Road,
Kilpauk, Chennai-10.

2. The Regional Joint Registrar of Co-operative Societies,
Thanjavur Region,
Samiyappa Co-operative Training Institute Campus,
Medical College Road, Thanjavur.

3.The Circle Deputy Registrar of Co-operative Societies,
Thanjavur Circle,
Samiyappa Co-operative Training Institute Campus,
Medical College Road,
Thanjavur.

4.The Regional Deputy Registrar of Co-operative Societies,
(Housing) Ramalingasamy Niliyam,
Deniel Thomus Nagar,
Thanjavur - 613 007.

... Respondents



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PRAYER:

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To issue a Writ of Certiorarified Mandamus or any other appropriate writ order or directions in the nature of the writ, calling for the records relating to the impugned conditional retirement order made in Na.Ka.6374/2017ka dated 31.05.2017 by the 2nd respondent, quash the same and consequently direct the 4th respondent to draw and disburse all petitioner's retirement benefits and to pass such further order or other suitable order as this Hon'ble Court may deems fit and proper in the circumstances of the case and thus render justice.

APPEARANCE OF PARTIES:

For Petitioner : Ms.Nivedhitha, Advocate
for Mr.N.Mohideen Basha, Advocate

For Respondents : Mr.J.Ashok,
Additional Government Pleader

J U D G M E N T

Heard.

2. The Petitioner was initially appointed as Junior Inspector, Co-operative Societies, on 04.08.1986. He was subsequently promoted to Senior Inspector and thereafter to the post of Co-operative Sub Registrar on 30.03.1998. Upon attaining the age of superannuation on 31.05.2017, he was issued an order dated 31.05.2017 (impugned in the writ petition)



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stating that a sum of Rs.1,94,085.70 was due from him to the Alakudi Primary Agricultural Co-operative Society. He was permitted to retire on the condition that the said amount would be adjusted against the Death-cum-Retirement Gratuity (DCRG) payable to him.

3. The Petitioner, aggrieved by the said order, filed the present writ petition. When the matter came up for admission on 07.08.2017, this Court observed that, in any event, the Petitioner could not be made liable for the entire amount and that his liability should not exceed one-third, considering the aspect of joint responsibility. On such calculation, the Petitioner's share was determined at Rs.64,695/-, which he agreed to pay. The matter was thereafter directed to be posted for orders.

4. Upon notice from this Court, the 2nd Respondent filed a detailed counter affidavit dated 24.09.2024. When the matter was listed on 30.07.2025, this Court directed both parties to appear for mediation in the hope of an amicable settlement. However, the mediation report dated 05.08.2025 indicated that no settlement had been reached.



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5. It is an admitted fact that the Petitioner was subjected to surcharge proceedings under Section 87(1) of the Tamil Nadu Co-operative Societies Act, pursuant to which a surcharge of Rs.1,94,085.70 was imposed on the Petitioner and other employees of the society by order dated 04.08.2011. The counter further states that the Petitioner preferred an appeal before the Co-operative Tribunal, Thanjavur, in C.M.A. No.2 of 2012, which came to be dismissed on 20.04.2017.

6. In the meanwhile, the Petitioner was also subjected to disciplinary proceedings under Rule 17-B, pursuant to which a punishment of stoppage of increment for three years without cumulative effect was imposed. The Petitioner preferred an appeal to the Government, and upon consultation with the Tamil Nadu Public Service Commission, the Government modified the penalty to stoppage of increment for one year, with a specific direction that it would not affect his pensionary benefits.

7. In the counter affidavit, it is stated that the Petitioner's challenge before the Tribunal having failed, the surcharge order has attained finality, and consequently, the Petitioner is liable to pay the said amount.



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It is further contended that the recovery can be effected from the DCRG and leave salary, and hence, no interference is warranted.

8. Though the Petitioner contended in these proceedings that his liability, at the maximum, would extend only to one-third of the surcharge amount, such a contention does not appear to be the correct position of law. The surcharge order has fixed liability on all the persons responsible, and each of them is jointly and severally liable to discharge the entire amount.

9. Accordingly, no case has been made out to warrant interference with the impugned order. The writ petition is, therefore, dismissed. No costs.

10.09.2025

LS/ay

Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation : Yes / No



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DR. A.D. MARIA CLETE, J.

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Pre-delivery Judgment made in
W.P. (MD) No.13453 of 2017

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