BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

CRP(MD)No.3023 of 2025 and
CMP(MD)No.17116 of 2025

T.Anna Rajalakshmi ...Petitioner

Vs

1.The Deputy Registrar of Co-Operative Societies,
Nagercoil, Kanyakumari District.

2.The Special Officer,
South Thamaraikulam Primary,
Agricultural Co-Operative Society,
Y.298, South Thamaraikulam Post,
Kanyakumari District. ...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to call for the records and to set aside the impugned fair and decreetal order dated 30.09.2024 passed in CMA(CS) No.22 of 2016 on the file of the Principal District Court, Kanyakumari district at Nagercoil, confirming the impugned surcharge proceedings in Na.Ka.5465 of 2011 Sa.Pa. Dated 14.06.2012 and thereby allow the civil revision petition.

For Petitioner : Mr.M.Karuppasamy

For Respondent No.1 : Mr.C.Venkatesh Kumar, Special Government Pleader

ORDER

This civil revision petition is filed challenging the fair and decreetal order dated 30.09.2024 passed in CMA(CS)No.22 of 2016 by the Principal District Court, Kanyakumari district at Nagercoil, confirming the surcharge order dated 14.06.2012 passed by the 1st respondent.

2.The petitioner was the Secretary (i/c) of the respondent South Thamaraikulam Primary, Agricultural Co-Operative Society. On the allegations that she has indulged in misappropriation of funds, proceedings under Section 81 of the Tamil Nadu Co-Operative Societies Act [in short 'the Act'] were initiated as against the revision petitioner by the Deputy Registrar of Co-Operative Societies on 22.11.2010. On completion of enquiry, a report was submitted on 29.07.2011 that the petitioner is responsible for the loss caused to the society to the tune of Rs.30,60,103/- and recommended for surcharge proceedings. Based on this report, surcharge proceedings was initiated as against the revision petitioner under Section 87 of the Act vide proceedings dated 15.12.2011.

3.The 1st respondent Deputy Registrar of Co-Operative Societies has provided sufficient opportunities and finally passed surcharge order on 14.06.2012 that this petitioner has caused a loss of Rs.30,60,003/- and it has to be recovered from this petitioner. Aggrieved by the order of the 1st respondent, the petitioner has preferred an appeal under Section 152(2) of the Act, before the co-operative tribunal / the Principal District Court, Kanyakumari in CMA(CS)No.22 of 2016. The co-operative tribunal by its order dated 30.09.2024 dismissed the appeal preferred by this petitioner and thereby confirmed the surcharge order passed by the 1st respondent on 14.06.2012. As against the order of the tribunal, the present civil revision petition is filed.

4.When this revision petition was taken up for hearing, the learned Special Government Pleader was fully ready with the matter for final disposal and also filed synopsis. After hearing the learned counsel for the petitioner, perusing the materials and also hearing the learned Special Government Pleader, this court by order dated 25.10.2025 expressed that this court was not inclined to entertain this civil revision petition. However, the learned counsel for the petitioner sought time to substantiate his case and therefore, this petition was adjourned.

5.The learned counsel for the petitioner submits that the petitioner has not been provided with sufficient opportunities during the enquiry proceedings under Section 87 of the Act. According to him, she was not permitted to peruse the documents. The show cause notice was issued that the petitioner caused loss of Rs.10 lakh, final order was passed as if she caused a loss of Rs.30 lakh.

6.The learned counsel further submits that this petitioner was not the Secretary and she was only in charge of the affairs of the society during the relevant period. However she has been held responsible for the loss, without initiating proceedings as against any other staff of the society. He also submits that without prejudice to her case, pursuant to the order, the petitioner has also deposited a sum of Rs.13 lakh to the respondent society and therefore, the learned counsel has requested to consider all these aspects for setting aside the orders of the Deputy Registrar and the Tribunal.

7.The learned Special Government Pleader appearing for the 1st respondent submits that the petitioner had indulged in falsification of documents, created false documents and also indulged in misappropriation of funds to the tune of Rs.30,60,103/-. Based on the prima facie materials, as against the petitioner for misappropriation, she was placed under suspension on 24.09.2010 and enquiry was ordered under Section 81 of the Act. The enquiry officer submitted his report on 29.07.2011 that this petitioner was the Secretary i/c and she had created false documents and also caused loss to the society and recommended for surcharge proceedings and accordingly surcharge proceedings was initiated by the respondent Deputy Registrar under Section 87 of the Act vide proceedings dated 15.02.2011.

8.The learned Special Government Pleader further submits that the notice referred by this petitioner dated 25.10.2010 was issued pursuant to the order of suspension. The enquiry report was submitted on 29.07.2011 and therefore, the reference made in the notice, pursuant to the order of suspension on 24.09.2010 that she caused a loss Rs.10,00,000/- cannot be a ground to set aside the surcharge order and the order passed by the tribunal. This surcharge proceeding was initiated on 15.12.2011 based on the 81 enquiry report dated 29.07.2011. With regard to the other ground taken by the learned counsel, the Special Government Pleader submits that the petitioner had appeared for enquiry before the Deputy Registrar on 09.02.2012 and sought for permission to peruse the documents and he was also permitted to peruse the document on 13.02.2012. After perusal of the documents on 13.02.2012, the petitioner sought for 13 more documents and therefore, the petitioner was permitted again to peruse the documents on 17.02.2012 on that day she had taken a plea that out of 13 documents, she perused only 10 documents. Thereafter the enquiry was scheduled on 20.02.2012. However, the petitioner failed to appear for enquiry. The notice was issued to the petitioner on 21.02.2012 informing the hearing date as 07.03.2012. However the same was returned as unclaimed. Subsequent notice issued on 30.03.2012 by the 1st respondent for enquiry on 16.04.2012 was also returned as unclaimed. The 6th notice sent by the management for hearing on 25.05.2012 dated 08.05.2012 was returned as 'left without any instructions'. The petitioner did not appear for enquiry. However she had submitted her reply on 09.04.2012, wherein she had taken a stand that she alone cannot be held responsible for the loss caused to the society. Therefore, according to the Special Government Pleader, even in her reply she had admitted her guilt in the reply and has made allegations as against other staff of the society that the entire fraud was committed along with others. The learned Special Government Pleader submits that the enquiry was conducted and concluded only after providing sufficient opportunities and also by considering her reply dated 09.04.2012.

9.This court has considered the rival submissions made and also perused the materials placed on record.

10.The civil revision petitioner was the Secretary in charge of the South Thamaraikulam Primary Agricultural Co-Operative Society. During the relevant point of time she was placed under suspension on 24.09.2010 on the allegation of misappropriation. In fact notice was issued on 25.10.2010 that this petitioner has caused loss of Rs.10,00,000/- to the society. The disciplinary proceedings was initiated as against this petitioner and this petitioner was also dismissed from service. The petitioner did not opt for challenging the same and it became final. The 81 enquiry was ordered on 22.11.2010, the enquiry officer has submitted a report on 29.07.2011 and based on this enquiry report surcharge proceedings was initiated on 15.12.2011. The petitioner has also appeared for enquiry before the 1st respondent on 08.02.2012 and sought for permission to peruse the documents, she was permitted to peruse the documents on 13.02.2012, 15.02.2012 and on 17.02.2012. Thereafter the petitioner has failed to appear before the enquiry officer and the notices sent by the 1st respondent dated 21.02.2012, 12.03.2012, 30.03.2012 were also returned as unclaimed. 6th notice sent by the 1st respondent on 08.03.2012 for the enquiry on 25.03.2012 was also returned as 'left with no instructions'. However the petitioner submitted her explanation to the 1st respondent on 09.04.2012. The above proceedings would reflect that this petitioner was provided with sufficient opportunities, she was also permitted to peruse the documents. The petitioner offered her explanation on 09.04.2012 that was also taken into consideration by the 1st respondent while passing the order under Section 87 of the Act. The break up for accumulative loss of Rs.30,60,103/- as per the surcharge order is extracted as under:

Sl.No	Particulars of misappropriation	Rs
(i)	By mentioning false account number and forging the signature of account holders	21,78,870
(ii)	By writing false account stating that interest given for the closed fixed deposits and forging the signatures of members	5,24,750
(iii)	Misappropriation	1,06,815
(iv)	By misappropriating the fixed deposit amounts without the knowledge of the account holders	30,000
(v)	Misappropriated the amount by falsely writing the total amount on daily	18,750
(vi)	Misappropriated the amount by giving false invoice regarding crops loan	86,000
(vii)	(i)Misappropriated account of cash	52,333
	(ii)Selling of recharge coupon	15,821.50
	(iii) Less stock material	16,763.50
(viii)	Misappropriated the amount which was issued to Elanthai Palma Mahalir Self Help Group	30,000
	Total	30,60,103.00

11.In the reply the petitioner admitted her guilt. However the petitioner has blamed other staff also that the fraud had been committed with connivance of all others. However, no prosecution has been initiated as against others. Apart from this surcharge proceedings, criminal prosecution was initiated as against this petitioner before the CCIW, Nagergoil in Crime No.1 of 2012 and final report was filed. Cognisance was taken by the learned Judicial magistrate No.II, Tirunelveli in CC.No.9 of 2013 and this petitioner was found guilty and convicted by judgment dated 29.11.2023. The disciplinary proceedings was also initiated pursuant to the 81 enquiry proceedings and she has been placed under suspension and later on terminated from service on 27.06.2011. In fact sufficient opportunities were provided, however, the petitioner has not utilised the same. She has not received the notice and allowed the notice to be returned as unclaimed. The materials would reveal that she was permitted to peruse the materials on 13.02.2012, 15.02.2012 and on 17.02.2012. Therefore, this court finds no reason to interfere with the impugned order. Accordingly this civil revision petition is dismissed. No costs. Consequently connected miscellaneous petition is closed.

06.11.2025

DSK

To

1.The Deputy Registrar of Co-Operative Societies,
Nagercoil,
Kanyakumari District.

2.The Special Officer,
South Thamaraikulam Primary,
Agricultural Co-Operative Society,
Y.298, South Thamaraikulam Post,
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B.PUGALENDHI.J.,

DSK

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