



W.P.No.17114 of 2015

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.17114 of 2015

R.Ramasamy

...Petitioner

Vs.

1.The Joint Registrar of Coop.Societies
Namakkal Region Namakkal
Namakkal District.

2.The President
S.1320, Sevandhipatti Primary
Agriculatural Coop. Credit Society
Sevandhipatti Post
Namakkal Taluk & District.

...Respondents

Prayer: This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the first respondent in his Revision No.852/2012/Sa.Pa, dated 01.06.2012 whereby confirming the impugned order passed by the second respondent in his proceedings No.Nil, dated 27.01.2012 and quash the same and consequently directing the respondents to disburse the petitioner's retirement benefits like as Gratuity, Provident Fund, Special Provident Fund, Earned Leave Benefits.



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For Petitioner : M/s.Elizebath Ravi

For Respondents : Mr.V.Umakanth for R1
Government Advocate
Mr.L.P.Shanmugasundaram for R2
Special Government Pleader

ORDER

The challenge in this Writ Petition is to the order dated 01.06.2012 passed by the first respondent in Revision No.852/2012/Sa.Pa. confirming the order passed by the second respondent in his proceedings dated 27.01.2012, whereby the petitioner was dismissed from service.

2. The petitioner, while serving as Secretary in the second respondent Society, was issued a charge memo dated 11.06.2011 alleging that he had misappropriated a sum of Rs.10,42,792.48/- and Rs.9,25,000/- respectively. The petitioner submitted his explanation denying the charges. However, not being satisfied with the explanation, the second respondent initiated departmental enquiry proceedings. The petitioner participated in the enquiry. The Enquiry Officer, after recording the statement of the petitioner and upon appreciation of the materials on record, returned a finding that the charges stood proved.



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3. Thereafter, the petitioner was issued a second show cause notice. The

Disciplinary Authority, after considering the enquiry report, passed an order dismissing the petitioner from service. Aggrieved thereby, the petitioner preferred a revision under Section 153(8) of the Tamil Nadu Co-operative Societies Act before the first respondent. The first respondent, by order dated 01.06.2012, confirmed the order of dismissal. Challenging the same, the present Writ Petition has been filed.

4. M/s.Elizabeth Ravi, learned counsel for the petitioner, submitted that on similar allegations, surcharge proceedings were initiated to recover the alleged loss caused to the Society. The same was challenged before this Court in C.R.P. No.4117 of 2017. In the said proceedings, this Court categorically held that, when responsibility for maintenance of records had been fixed on two other individuals, the conclusion that the petitioner was responsible for misappropriation based on illegal withdrawal of amounts was unsustainable. It was further held that the cheque amounts had been withdrawn in the year 2010 by the said two individuals and, therefore, the charge against the petitioner was not proved. Hence, in the absence of evidence establishing that the petitioner was responsible either for maintenance of records or for the alleged withdrawals, the impugned dismissal order is legally unsustainable.



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5. Per contra, Mr.L.P.Shanmugasundaram, learned Special Government Pleader appearing for the second respondent, submitted that the materials on record clearly establish misappropriation and that the findings of the Enquiry Officer are based on evidence. In the absence of perversity or arbitrariness, the punishment of dismissal does not warrant interference.

6. The learned State Counsel appearing for the first respondent reiterated the submissions made on behalf of the second respondent and sought dismissal of the Writ Petition.

7. The submissions made on either side and the materials placed on record have been duly considered.

8. The allegations against the petitioner are that he failed to discharge the duties and responsibilities entrusted to him on 02.05.2009, thereby causing loss in the cash balance of the Society to the tune of Rs.10,42,752/-, and that he was involved in misappropriation of funds to the tune of Rs.9,25,000/- received through cheques from Jewel Loan Accounts of the Salem District Central Co-operative Bank, Valayapatti Branch. It was further alleged that he failed to write



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the Cash Book, Daily Ledger, and Item-wise Entry Register after 03.05.2011

and failed to tally the General Ledger with individual accounts. On similar charges, surcharge proceedings were initiated pursuant to an enquiry conducted by the Deputy Registrar of Co-operative Societies, Namakkal.

9. In the surcharge enquiry report, it was categorically found that responsibility for maintenance of records had been entrusted to two individuals, namely, Mr.K.Madhiyalagan and Mr.K.Chinnusamy. This Court, in C.R.P. No.4117 of 2017, referring to those findings, observed that once responsibility had been fixed on the said individuals, the conclusion that the petitioner, who was under suspension, was responsible was unsustainable. It was further observed that the cheque withdrawals in 2010 were made by the said two individuals and that the petitioner could not be held responsible for either charge.

10. This Court, however, remanded the matter only in respect of an allegation relating to misappropriation of Rs.2,000/- to the Deputy Registrar of Co-operative Societies. In respect of the other two major charges, this Court, after examining the surcharge proceedings and the evidence, exonerated the petitioner. The said order has attained finality and is binding on the respondents.



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In the absence of cogent evidence to establish the petitioner's responsibility, the findings of the Enquiry Officer are perverse and arbitrary.

11. In the impugned order, the second respondent has failed to properly consider the petitioner's explanation that Mr.K.Madhiyalagan, being the Manager and joint signatory to the cheques along with the Special Officer, was responsible for the deficit in cash and for maintenance of accounts, and that the petitioner had no role in the alleged misappropriation.

12. The explanation submitted by the petitioner, denying the charges and attributing responsibility to the Manager who maintained the Cash Book and handled cheque accounting, has not been independently considered.

13. The second respondent has not assigned independent reasons, nor demonstrated application of mind while rejecting the petitioner's explanation and accepting the enquiry report. The impugned order is therefore in violation of the principles of natural justice.



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14. In light of the above, the impugned order passed by the second respondent and confirmed by the first respondent are not legally sustainable and are liable to be quashed.

15. Accordingly, this Writ Petition is allowed. The impugned orders are quashed. It is stated that the petitioner retired from service on 30.06.2011. The second respondent is directed to disburse all admissible retirement benefits to the petitioner within a period of three months from the date of receipt of a copy of this order. Insofar as Provident Fund and gratuity are concerned, payment shall be made strictly in accordance with the statutory provisions governing the same. It is open to the petitioner to claim interest on any belated payment of retirement benefits, if permissible in law. There shall be no order as to costs.

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Index : Yes/No
Speaking order : Yes/No
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HEMANT CHANDANGOUDAR.J.,

dna

To

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