



WEB COPY

WP No. 19226 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

W.P No. 19226 of 2024

and W.M.P.No.10418 of 2026

M.Murugesan
S/o Molagounder, Metupatty, Iruppali Post,
Edapadi Taluk , Salem District.

..Petitioner(s)

Vs

1. The Joint Registrar of Co-op. Societies,
Salem Region No 410, 4th Floor, Collectorate,
Salem 636 001.
2. The Deputy Registrar of Co-op. Societies,
Sankakiri Circle, Sankakiri Post Salem District.
3. The Management of Chithoor Primary Agricultural
Co-operative Society, Chithoor Post, Edapadi Taluk,
Salem District

..Respondent(s)

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order viz., i) Na.Ka.No 6016 / 2018 Sa. Pa. dated 06.12.2019 issued by the 1st respondent, consequential orders (ii) Na.Ka. 698 / 2019/ Sa.Pa. dated 10.01.2020 issued by the 2nd respondent and (iii) Na.Ka. No 1374 / 2020 Sa.Pa. dated 09.07.2021 issued by the 1st respondent and quash the same and consequently direct the 1st respondent to decide the Revision



petition dated 21.07.2018 filed U/sec. 153 of the Tamil Nadu Cooperative Societies Act 1983 independently on merits after affording reasonable opportunities to the petitioner, within the time fixed by this Court.

For Petitioner(s): Mr. K.Premkumar

For Respondent(s): Mr. V.Umakanth, Government Advocate

ORDER

The present Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order viz., i) Na.Ka.No 6016 / 2018 Sa. Pa. dated 06.12.2019 issued by the 1st respondent, Consequential orders (ii) Na.Ka. 698 / 2019/ Sa.Pa. dated 10.01.2020 issued by the 2nd respondent and (iii) Na.Ka. No 1374 / 2020 Sa.Pa. dated 09.07.2021 issued by the 1st respondent and to quash the same and consequently direct the 1st respondent to decide the Revision petition dated 21.07.2018 filed under Section 153 of the Tamil Nadu Cooperative Societies Act 1983 independently on merits after affording reasonable opportunities to the petitioner, within a time fixed that may be fixed by this Court.

2. The petitioner contends that he was appointed as a Clerk in the 3rd respondent Society on 01.09.1976 and was subsequently promoted as Secretary on 18.09.1993. During his tenure, an Industrial Settlement dated 11.10.1999 was entered into between the employees of the 3rd respondent Society and the



Management under Section 12(3) of the Industrial Disputes Act, 1947, with effect from 01.07.1997 valid for a period of five years ending on 30.06.2002. In terms of the said Settlement, the pay scale and service conditions of the employees were revised and the petitioner's salary was fixed at Rs.7,840/- along with applicable allowances with effect from 01.07.1997. The said Settlement was approved by the 3rd respondent Society vide Resolution No.9 dated 18.02.2003 and was fully implemented.

3. The petitioner submits that his salary and allowances were paid in accordance with the Settlement up to December, 2004, and his gross monthly salary amounted to Rs.13,862/-. However, for the month of January, 2005, his pay bill was not approved and a revised pay bill was prepared. While other employees continued to receive salary as per the Settlement, the petitioner was denied salary for the month of January, 2005, which amounts to a gross violation of the Settlement.

4. Thereafter, by order dated 16.02.2005, the Special Officer of the 3rd respondent Society sought to recover a sum of Rs.3,17,659/- alleging it to be excess salary paid for the period from 01.07.1997 to 30.11.2004. Challenging the same, the petitioner filed W.P.No.7155 of 2005 before this Court and an



order of interim stay was granted. The said Writ Petition was disposed of on 24.04.2006, directing the petitioner to submit his explanation and the 3rd respondent to pass appropriate orders thereafter.

5. Meanwhile, the petitioner was placed under suspension by order dated 07.02.2005 issued by the Joint Registrar of Cooperative Societies, Salem Region. The petitioner challenged the said order in W.P.No.4629 of 2005 and this Court granted an order of interim stay of the suspension. Pursuant thereto, the petitioner was reinstated in service with effect 02.05.2005.

6. In compliance with the order in W.P.No.7155 of 2005 dated 24.04.2006, the petitioner submitted a detailed explanation on 20.05.2006. However without properly considering the same, the 3rd respondent issued yet another notice dated 13.09.2006 reiterating the recovery. Aggrieved by the same, the petitioner filed another W.P.No.43036 of 2006, wherein, interim stay was granted. Subsequently, the said Writ Petition was dismissed on 13.06.2014 and the petitioner preferred W.A.No.1034 of 2015.

7. During the pendency of the proceedings, the petitioner attained the age of superannuation and was permitted to retire from service, subject to the



outcome of W.P.No.43063 of 2006. The said Writ Appeal was allowed by order dated 08.10.2015 and the order of recovery dated 29.09.2006 passed by the 3rd respondent was quashed. As the respondents failed to comply with the said order, the petitioner initiated Contempt Petition No.1983 of 2016 against the Registrar of Cooperative Societies and the Deputy Registrar of Cooperative Societies, Sankari Circle. The Division Bench closed the Contempt Petition with a direction to settle the due amounts within 15 days from the date of receipt of a copy of the order and to furnish a statement of accounts to the petitioner.

8. However, the petitioner submits that since the respondents failed to disburse the balance terminal benefits in accordance with the Settlement entered under Section 12(3) of the Industrial Disputes Act. Therefore, the petitioner filed a Revision Petition dated 21.07.2018 before the 1st respondent. The 1st respondent, instead of deciding the Revision Petition on merits, passed the impugned order indicating the 2nd respondent/Deputy Registrar of Cooperative Societies, Sankari Circle, to submit a report on certain queries.

9. Heard the rival submissions made by the learned counsel appearing for both parties and perused the materials placed before this Court. The learned



Government Advocate appearing for the respondents was unable to justify the impugned action.

WEB COPY

10. Without traversing into the merits of the case, a perusal of the impugned order reveals that the 1st respondent, being the revisional authority, has sought a report from the 2nd respondent, thereby effectively delegating his statutory function, which is impermissible in law.

11. Accordingly, the impugned orders are set aside, and the Writ Petition is allowed. The 1st respondent is directed to dispose of the Revision Petition filed by the petitioner dated 21.07.2018 on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner, within a period of one (1) month from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

16-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

Asi



WEB COPY

- To
1. The Joint Registrar of Co-op. Societies,
Salem Region No 410, 4th Floor, Collectorate,
Salem 636 001.
 4. The Deputy Registrar of Co-op. Societies,
Sankakiri Circle, Sankakiri Post Salem District.
 5. The Management of Chithoor Primary Agricultural
Co-operative Society, Chithoor Post, Edapadi Taluk, Salem District



WEB COPY

WP No. 19226 of 2



P.T.ASHA, J.

Asi

**W.P No. 19226 of 2024
and W.M.P.No.10418 of 2026**

16-04-2026