

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :22.01.2015

CORAM:

The Honourable Mr.Justice K.K.SASIDHARAN

W.P.No.16028 of 2014

N. Gopal

...Petitioner

- Vs.-

1. The Joint Registrar of Co-op. Societies
Villupuram Region
Villupuram District.

2. The President
Vadalapakkam Primary Agricultural
Co-op. Credit Society
Vadaalapakkam Village
Attur Postt
Tindivanam Taluk
Villupuram District.

...Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.107/2014/Sa.Pa. dated 9 April 2014 and quash the same and consequently direct the respondents to entertain the petitioner's revision and pass orders on merits.

For Petitioner : Mr.C. Prakasam

For Respondents : Mr.L.P.Shanmugasundaram
Spl.G.P. (Co-op.)

ORDER

The petitioner was appointed as Night Watchman in Vadaalapakkam Primary Agricultural Co-operative Credit Society. He joined the service on 1 November 1990. His date of birth was recorded as 9 July 1961.

2. It is the grievance of the petitioner that without his knowledge a resolution was passed on 31 December 2013 to the effect that he would be retired from service. The petitioner filed a revision petition before the first respondent invoking Section 153 of

the Tamil Nadu Co-operative Societies Act. The revision petition was rejected by the first respondent on the ground that the resolution was not produced along with the revision petition. Feeling aggrieved by the said order, the petitioner is before this Court.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing on behalf of the respondents.

4. There is no dispute that the resolution dated 31 December 2013 has not been communicated to the petitioner. It is also not the case of the respondents that a consequential order was passed by the Society pursuant to the resolution dated 31 December 2013 retiring the petitioner from service on attaining the age of superannuation. Such being the position, the first respondent was not correct in observing that the petitioner failed to produce the resolution or the order directing his retirement. I am therefore of the view that the petitioner is entitled to succeed.

5. In the result, the order dated 9 April 2014 is set aside. The second respondent is directed to forward a copy of the proceedings issued on the basis of the resolution dated 31 December 2013 to the petitioner. Such proceedings should be issued as expeditiously as possible and in any case, within a period of four weeks from the date of receipt of a copy of this order. It is open to the petitioner to challenge the said order before the first respondent, if he is so aggrieved. The first respondent is directed to entertain the revision and pass orders uninfluenced by the observation made in his earlier order dated 9 April 2014.

6. The writ petition is allowed to the extent as indicated above. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Tr/

To

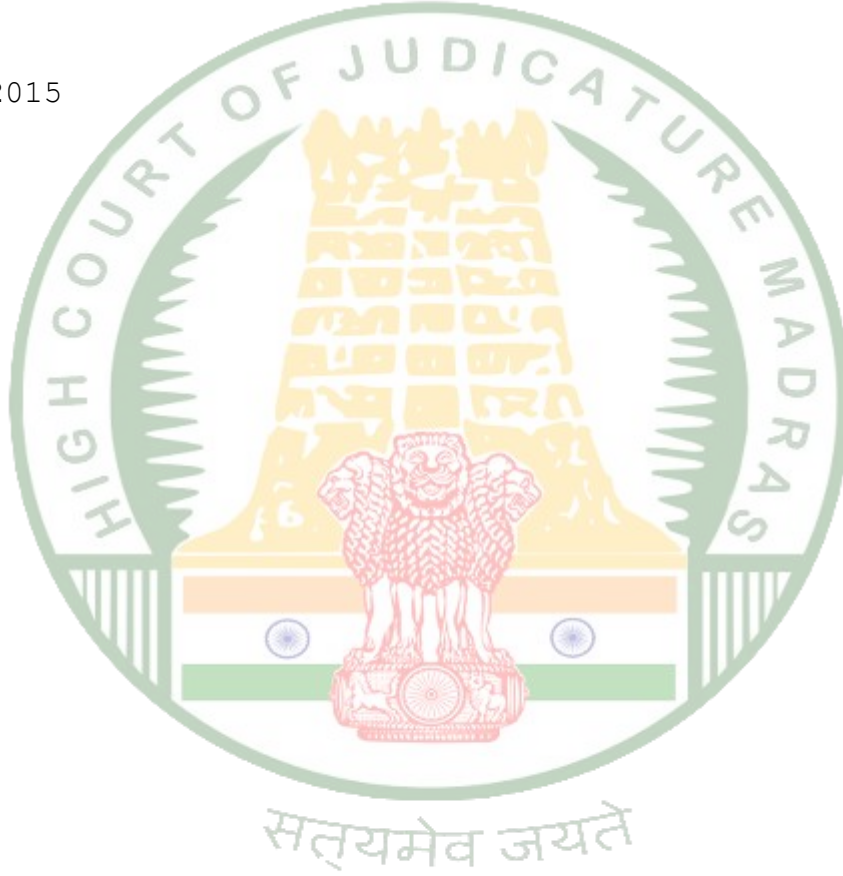
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1 cc to Mr.C.Prakasam ,Advocate, SR.No.3527
1 cc to Government Pleader,Sr.No.3518

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