

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15-10-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.33139 of 2015

M.P.Srinivasan

.. Petitioner

vs

- 1.The Joint Registrar of Cooperative Societies
Salem Region
Collectorate Complex, Salem District
- 2.The Salem Urban Cooperative Bank Ltd.,
No.25, H.O.405 First Agraharam
Salem 636 001.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the entire records which culminated in passing the order in Na.Ka.No.7403/2015 sa.pa. Dated 24.8.2015, on the file of the first respondent and quashing the same and consequently, directing the first respondent to take up the Revision Petition filed by the petitioner and to dispose of it on merits and in accordance with law within a time frame.

For Petitioner : Mr.S.Vijayan

For Respondents : Mrs.T.P.Savitha
Government Advocate for R1

Mr.L.P.Shanmugasundaram
Special Government Pleader
for R2

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner would state that he was appointed as a Junior Assistant in the services of the second respondent on 23.5.1998, and there was a matrimonial dispute, which resulted in the filing of a Divorce Petition by the petitioner before the Family Court at Salem, and as a counter blast, his wife filed a petition under Section 125 of Cr.P.C. claiming maintenance, and pendency of the same, she committed suicide by self-immolation and consequently, the petitioner was arrested in a case registered in Crime No.219 of 2002 under Section 174 of Cr.P.C., and later on, it was altered into Section 306 of IPC and the case after investigation, has culminated in a charge

sheet and it has been taken on file in S.C.No.300 of 2002, by the Court of Additional Sessions Judge/Mahila Court, Tiruchirapalli.

3.The petitioner would further aver that the trial Court, after conclusion of trial, has convicted him, which resulted in his dismissal from service, and the appeal filed by him in Criminal Appeal (MD) No.97 of 2006, was allowed by the Madurai Bench of this Court on 13.8.2012, and as a consequence, he was reinstated in service and however, has not been conferred with service or other attendant benefits and in this regard, he has submitted a representation before the first respondent and it was dismissed on the ground of non-compliance of certain defects and challenging the legality of the same, he came forward to file this writ petition.

4.Mr.S.Vijayan, learned Counsel appearing for the petitioner, would submit that the petitioner is ready and willing to comply with the defects 1 and 2 pointed out in the impugned order, and hence, prays for interference.

5.The Court heard the submissions of Mrs.T.P.Savitha, learned Government Advocate, who accepted notice on behalf of the first respondent, and Mr.L.P.Shanmugasundaram, learned Special Government Pleader, who accepted notice on behalf of the second respondent, also and they would submit that as and when the petitioner comply with the defects, the Revision Petition will be entertained if the papers are otherwise in order.

6.In the light of the above facts and circumstances, this Court is of the view that the impugned order warrants interference and the petitioner is to be given time to comply with the defects and thereafter, the first respondent is to dispose of the revision on merits and in accordance with law, within a stipulated time frame.

7.In the result, the writ petition is partly allowed and the impugned order dated 24.8.2015, is set aside and the petitioner is granted two weeks' time from the date of receipt of a copy of this order to comply with the defects pointed out in the impugned order, and the first respondent thereafter, shall take up the said Revision Petition on file, if the papers are otherwise in order, and pass orders thereon on merits and in accordance with law, within a period of eight weeks thereafter and communicate the decision taken, to the petitioner. No costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

To:

1.The Joint Registrar of
Cooperative Societies
Salem Region
Collectorate Complex, Salem District

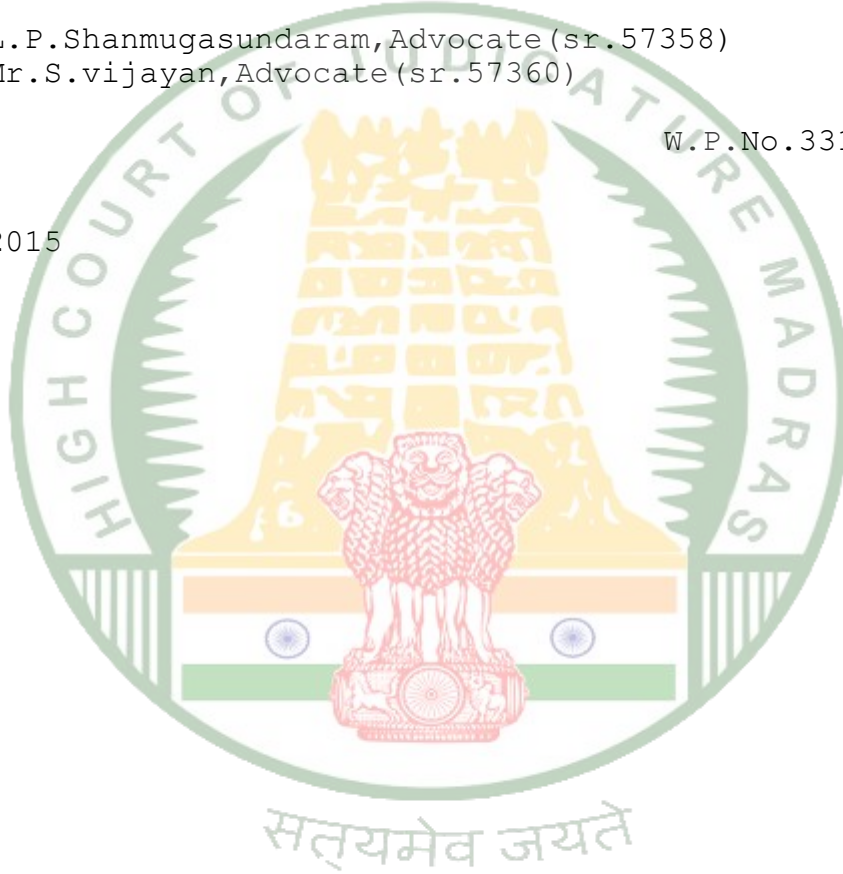
2.The Authorised Signatory
Salem Urban Cooperative
Bank Ltd.,
No.25, H.O.405 First Agraharam
Salem 636 001.

+1 cc Mr.L.P.Shanmugasundaram,Advocate(sr.57358)

+1 cc to Mr.S.vijayan,Advocate(sr.57360)

W.P.No.33139 of 2015

AD(co)
cp 28/10/2015



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