

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2016

CORAM

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR**

**CRP(NPD)No.336 of 2011**

S.Natarajan

..Petitioner/appellant

Vs.

1.The Special Officer

S 1284, Thathaiyangarpettai  
Primary Agricultural Co-operative Bank Ltd.,  
Karaikurichipudur Post,  
Namakkal District.

2.The Deputy Registrar of Co-operative Societies

Namakkal.

..Respondents/Respondents

**Prayer:-** Civil Revision Petition is filed under Section 115 of Code of Civil Procedure against the Judgment and Decree dated 30.07.2010 made in I.A.No.63 of 2009 in CMA(CS) No.29 of 2003, on the file of the learned Principal District Judge cum Co-operative Tribunal, Namakkal.

For Petitioner : Mr.T.S.Vijayaraghavan

For Respondent No.1 : Mr.K.Selvaraj

For Respondent No.2 : Mr.T.Jeyarama Raj  
Special Government Pleader (CS)

**ORDER**

This Civil Revision Petition arises against the Judgment and Decree dated 30.07.2010 made in I.A.No.63 of 2009 in CMA(CS) No.29 of 2003, on the file of the learned Principal District Judge cum Co-operative Tribunal, Namakkal.

2. **The brief facts of the case:** The petitioner herein filed a

writ petition in W.P.No.19234 of 2001 before this Court praying for a direction to the first respondent to settle his leave salary from 04.01.1993 to 27.03.1994, salary for six days i.e., from 28.03.1994 to 02.04.1994 and all other attendant retirement benefits with 18% interest from 1994 itself, etc. As per the direction of this court, the matter is taken up for hearing before the second respondent in Dispute No.413 of 2001-2002 and the second respondent, by an order dated 03.01.2002, has partly allowed the case stating that the petitioner is eligible only for Medical leave of 18 days and 6 days of salary and whereas, he is not eligible in respect of retirement benefits,.

3. Aggrieved by the said order, the petitioner filed CMA CS.No.29 of 2003 before the Principal District Court cum Co-operative Tribunal, Namakkal against the order of the second respondent dated 03.01.2002 in Dispute No.413/2001-2002 under Section 90 of the Tamil Nadu Co-operative Societies Act, 1983. The same was dismissed for default on 30.03.2009 and the petitioner filed an application in I.A.No.63 of 2009 to restore the appeal. On the basis of the dismissal of I.A.No.62 of 2003, I.A.No.63 of 2003 was also dismissed. Aggrieved by the aforesaid dismissal order in I.A.No.63 of 2009, the present civil revision petition has been filed.

4. Learned counsel for the petitioner would submit that the second respondent/Co-operative Tribunal, Namakkal, failed to note that the petitioner herein is aged about 73 years and is ailing from various

health problems and the revision petitioner could not attend the Court regularly because of his old age and his counsel was also not aware of the order of the second respondent. So, he could not comply with the conditional order passed on 22.07.2010 in I.A.No.62 of 2003 by the second respondent. The Tribunal, without taking into consideration of the old age of the petitioner, dismissed the petition to restore the appeal in I.A.No.63 of 2009.

5. The learned counsel for the petitioner would further submit that the second respondent herein passed an order on 03.01.2002 in dispute No.413/2001 - 2002 filed under Section 90 of the Tamil Nadu Co-operative Societies Act, 1983 and it was partly allowed but another relief sought for pension benefit was dismissed. Aggrieved against the rejection portion of the said order, he preferred an appeal before the Co-operative Tribunal, under Section 152 (1) (a) of the Tamil Nadu Co-operative Societies Act, 1983 and the said appeal was dismissed for default on 30.03.2009 and the petitioner had preferred an application in I.A.No.63 of 2009 to restore the appeal and the same was also dismissed based on dismissal of the I.A.No.62 of 2009. Aggrieved by the said order, the revision petitioner preferred the Civil Revision Petition before this court.

6. The learned counsel for the petitioner further submitted that since the matter is of the year 2003 and the revision petitioner is a senior citizen, aged about 76 years, a direction may be issued to the

tribunal to dispose of the case at the earliest.

7. Heard Mr.T.S.Vijaya Raghavan, learned counsel for petitioner, Mr.K.Selvareaj, learned counsel for first respondent and Mr.K.Jayaraman Raj, Special Government Pleader (CS) for second respondent.

8. It is submitted by the learned counsel for the respondent that in view of the CRP.No.335 of 2011 is being allowed, the present Civil Revision Petition may be allowed by this Hon'ble Court. Therefore, in the interest of justice, this Court is inclined to pass the following order:

(a) the impugned order passed in I.A.No.63/2009 dated 30.07.2010 on the file of Principal District Court, Namakkal, is set aside;

(b) the Tribunal is directed to number the Appeal in CMACS.No.29 of 2003 filed by the Revision Petitioner and further directed, in the event of Appeal being numbered, the same shall be disposed of on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order.

9. In the result, the civil revision petition is allowed as indicated above. No order as to costs.

**Gv**

**22.04.2016**

Index :Yes/No

Internet:Yes/No

To

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- 2.The Deputy Registrar of Co-operative Societies  
Namakkal.
- 3.The learned Principal District Judge cum  
Co-operative Tribunal,  
Namakkal.

**D.KRISHNAKUMAR,J.**  
gv

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