

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.09.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. No.30411 of 2016 and
WMP No.26361 of 2016

P.Kamala

.. Petitioner

Vs.

1.The Joint Registrar of Co-operative Societies,
Anna Co-operative Training Institute Campus,
Opposite to Collectorate, Vandhavasi Road,
Kancheepuram

2. The Deputy Registrar of Co-operative Societies,
Anna Co-operative Training Institute Campus,
Opposite to Collectorate, Vandhavasi Road,
Kancheepuram

3. The Managing Director,
Sriperumpudur Agricultural Producers,
Co-operative Marketing Society,
Nazarahpettai, Varadharajapuram,
Poonamallee Taluk,
Tiruvallur District.

... Respondents

PRAYER : Writ Petition has been 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 1st respondent in his proceedings No.Pa.Vae.30/2016/Sa.Pa. Dated 18.04.2016 and quash the same and consequently direct the 1st respondent to entertain the revision petition filed by the petitioner u/s 153 of Tamilnadu Co-operative Societies Act and dispose the same on merits within the stipulated time.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.L.P.Shanmugasundaram

O R D E R

By consent, the Writ Petition is taken up for disposal at the stage of admission itself.

2.This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings No.Pa.Vae.30/2016/Sa.Pa. Dated 18.07.2016 and quash the same and consequently direct the 1st respondent to entertain the revision petition filed by the petitioner u/s 153 of Tamilnadu Co-operative Societies Act and dispose the same on merits within the stipulated time.

3. The case of the petitioner is that the petitioner was appointed as sales woman in the 3rd respondent society in the year 1980 and after lapse of 33 years, she was promoted as clerk during the year 2013. when the petitioner was working as sales woman, she received salary to the tune of Rs.13,011/- and after her promotion to the post of clerk, the petitioner's salary reduced to Rs.12,836/-. In this connection, the petitioner has approached the 1st respondent and filed Statutory Revision under Section 153 of the Tamilnadu Cooperative Societies Act for fixation of the revised pay scale for the post of clerk, but, the 1st respondent disposed of the revision petition filed by the petitioner on 18.04.2016 by directing the petitioner to approach the 2nd respondent and get orders. However, as per Section 153 of the Tamilnadu Co-operative Societies Act, the 1st respondent alone is having powers to examine any records and decide the correctness. Insofar as 2nd respondent is concerned, the said authority is having power to decide any dispute under Section 90 of the TamilNadu Co-opertaiive Societies Act between the members and not employees. Hence the petitioner has approached this Court by way of this Writ Petition to direct the 1st respondent to entertain the revision petition and to pass appropriate orders.

4. The learned counsel for the petitioner would submit that when the promotion is given to any employee, the salary also should be revised in higher pay scale, but, in the case of the petitioner alone, the promotion has been done by reducing the salary. He would further submit that the Deputy Registrar of the Co-operative Societies, Kancheepuram / 2nd respondent has no power to decide the service matter, it is for the Joint Registrar of Co-operative Societies, Kancheepuram / 1st respondent to do so.

5. The learned counsel for the respondents submitted that as per delegated power, the 2nd respondent / Deputy registrar has no power to decide the service matter and it is for the 1st respondent / Joint Registrar to do so.

6. As rightly pointed out by the learned counsel for the petitioner and the respondents, the petitioner is permitted to submit a proper revision petition before the concerned

authority, namely the 1st respondent within a period of one week from the date of receipt of a copy of this order and if any delay had occurred in preferring the revision petition so far, the same would be condoned as per Section 14 of the Limitation Act, 1963, as the matter was pending before this Court.

7. With the above observation, this Writ Petition is disposed of. Consequently connected miscellaneous petition is closed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Joint Registrar of Co-operative Societies,
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Opposite to Collectorate, Vandhavasi Road,
Kancheepuram
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Sriperumpudur Agricultural Producers,
Co-operative Marketing Society,
Nazarahpettai, Varadharajapuram,
Poonamallee Taluk,
Tiruvallur District

+1 cc to M/s.L.P.Shanmuga Sundaram Advocate sr 50407

+1 cc to M/s.C.Prakasam Advocate sr 50253

+1 cc to Government Pleader sr 50201

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