

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2017

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. No.6304 of 2017 & W.M.P. No.6794 of 2017

G. Senthilvel

Petitioner

vs.

1 The Joint Registrar of Cooperative Societies
Nagapattinam District
Nagapattinam
Nagapattinam District

2 The Special Officer
(now President)
O.N.3, Nagapattinam Urban
Cooperative Credit Society Ltd.
Nanayakara Street
Nagapattinam 611 001
Nagapattinam District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the entire records relating to the impugned order passed by the first respondent in his proceedings No.Na.Ka. 1972/2009/Sa.Pa. dated 27.10.2009 and quash the same and consequently, direct the respondents to reinstate the petitioner into service with backwages, attendant benefits and other monetary benefits to the petitioner.

For petitioner Mr. C. Prakasam

For respondents Mr. L.P. Shanmugasundaram
Special Govt. Pleader -
Cooperatives

ORDER

Mr. L.P. Shanmugasundaram, learned Special Government Pleader, accepts notice for respondents.

2 The petitioner was appointed as Secretary in the second respondent society on 14.07.1999. Alleging certain irregularities qua sanction of loan of Rs.36,62,115/-, an enquiry under Section 81 of the Tamil Nadu Cooperative Societies Act, 1983, was ordered against the petitioner. The Enquiry

Officer, in his report, recommended for initiation of criminal case, surcharge proceedings and disciplinary proceedings as against the petitioner, pursuant to which, the second respondent conducted disciplinary proceedings and removed the petitioner from service vide order dated 28.01.2009. Thereagainst, the petitioner preferred a statutory revision under Section 153, ibid, before the first respondent, who, by order dated 27.10.2009, rejected the case of the petitioner, upholding the order of removal from service passed by the second respondent. Calling in question, the correctness of the order passed by the first respondent in the revision petition, the petitioner has preferred the instant writ petition.

3 At the threshold, it is quite pertinent to point that when the petitioner was removed from service way back in October 2009, without taking any step whatsoever to challenge the said order of removal for well over eight long years, the petitioner has straightaway filed this writ petition, challenging his removal from service. This Court can come to the aid of a person who is always active and diligent in his rights, but, not to a person who is dormant like Rip Van Winkle. In this case, as referred to above, the petitioner has woken up from slumber after eight long years and is guilty of delay, laches and acquiescence in challenging his removal from service, which cannot be entertained.

In the result, this writ petition stands dismissed as being devoid of merits. Costs made easy. Connected W.M.P. is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

cad

To

- 1 The Joint Registrar of Cooperative Societies
Nagapattinam District
Nagapattinam
Nagapattinam District

WEB COPY

2 The Special Officer
(now President)
O.N.3, Nagapattinam Urban
Cooperative Credit Society Ltd.
Nanayakara Street
Nagapattinam 611 001
Nagapattinam District

+1cc to Mr.C.Prakasam,Advocate sr.16596

+1cc to Mr.C.P.Shanmugasundram,Advocate sr.16325

+1cc to Government Pleader sr.16546

lrs(co)
ss(3/4/2017)

W.P. No.6304 of 2017



WEB COPY