

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.08.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.11290 and 11294 of 2015

and

M.P.Nos.1,1,2 and 2 of 2015

G.Subramaniam ... Petitioner in W.P.No.11290
of 2015

R.Raghul ... Petitioner in W.P.No.11294 of
2015

Vs

1.The Joint Registrar of Cooperative Society,
Namakkal Regional Cooperative Society,
Regional Office, Namakkal.

2.The Joint Registrar/Special Officer,
S.351, Tiruchengodu Agricultural Producer
Cooperative Marketting Society,
Konganapuram Branch,
Konganapuram, Edapadi Taluk,
Salem District.

... Respondents in both
W.Ps.

Prayer in both W.Ps.: Petitions filed under Article 226 of the
Constitution of India praying to issue a Writ of Certiorarified
Mandamus, calling for the records relating to 2nd respondent made
in Na.Ka.TN.5943/143 and Na.Ka.TN.5943/144 respectively Pa.Tho
dated 03.07.2012 and confirmed by the 1st respondent in his
proceedings in Na.Ka.No.169/2014 and Na.Ka.No.170/2014
respectively Sa.Pa dated 14.03.2014 and quash the same and
direct the 2nd respondent to permit the petitioners to joint
service with all monetary benefits including monetary benefits
Revision and to dispose the same on merits.

For Petitioners : Mr.R.Ezhilarasan
for Mr.V.R.Annagandhi
(in both W.Ps)

For Respondents : Mr.L.P.Shanmugasundaram
(in both W.Ps) Special Government Pleader (Co.op)

C O M M O N O R D E R

This writ petitions have been filed for a direction to direct the 2nd respondent to permit the petitioners to join service with all monetary benefits including Revision of pay.

2. The writ petitioners were employees of the second respondent society. On account of certain allegations, departmental disciplinary proceedings were initiated and after conducting domestic enquiry, the writ petitioners were imposed with the punishment of reduction of salary from Rs.14,160/- to Rs.6,200/- for a period of five years. Against the punishment orders, the writ petitioners preferred the revision petitions before the first respondent under Section 153 of the Tamil Nadu Cooperative Societies Act. The revision petitions were rejected in proceedings dated 14.03.2014, on the ground that the same were not filed within a period of 90 days from the date of passing of the orders of punishment.

3. The learned counsel appearing for the petitioners contended that the writ petitioners suffered the major punishment of reduction in salary and the revision petitions were rejected on the ground of delay. Thus, they are entitled for adjudication on merits in respect of the revision petitions filed by them under Section 153 of the Tamil Nadu Cooperative Societies Act.

4. The learned Government Pleader appearing on behalf of the respondent also submitted that the first respondent by virtue of the provision contemplated under the Act, rejected the revision petitions filed by the writ petitioners and there is no infirmity in the orders passed by the first respondent. Thus, these revision petitions are to be rejected.

5. This Court has considered these aspects regarding the delay in the case of N.P.Palanisamy Vs. State of Tamil Nadu, Rep by its Secretary to Government reported in 2012 (4) CTC 257. Considering the judgment of the Hon'ble Supreme Court and this Court held that the delay should not defeat justice and all revisions filed even after some delay is to be adjudicated on merits and orders to be passed considering the merits and other circumstances. Under these circumstances, the orders impugned in these writ petitions passed by the first respondent in proceedings in Na.Ka.No.169/2014 and Na.Ka.No.170/2014 Sa.Pa. respectively dated 14.03.2014 are quashed and the matters are remitted back to the first respondent for fresh adjudication on merits and in accordance with law by providing all reasonable opportunities to the respective parties.

6. With this direction, these writ petitions stand disposed of. However, there is no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

1. The Joint Registrar of Cooperative Society,
Namakkal Regional Cooperative Society,
Regional Office, Namakkal.
2. The Joint Registrar/Special Officer,
S.351, Tiruchengodu Agricultural Producer
Cooperative Marketing Society,
Konganapuram Branch,
Konganapuram, Edapadi Taluk,
Salem District.

+ 2 cc to Mr.L.P.Shanmugasundaram, Advocate,SR.57379

+ 1 cc to Mr.R.Ezhilarasan, Advocate,SR.57384

+ 1 cc to The Govt.Pleader, SR.57917

W.P.Nos.11290 and 11294 of 2015

PVS (CO)
NR 05/09/2017

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