

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.3128 of 2017

A.Shanmugam

..Petitioner

Vs

1. The Joint Registrar of Co-operative Societies,
Namakkal Region, Namakkal,
Namakkal District.
2. The Managing Director/ Deputy Registrar,
Tiruchengode Cooperative Urban Bank Ltd.,
No.8994,
Tiruchengode, Namakkal District.
3. The President,
Tiruchengode Cooperative
Urban Bank Ltd., No.8994,
Tiruchengode,
Namakkal District.

..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certioriarified Mandamus to call for the entire records relating to the impugned order passed by the 1st respondent in his proceedings O.Mu.No.7075/2016/Sa.Pa, dated 11.11.2016 and quash the same and consequently direct the 1st respondent to entertain the Statutory Revision and dispose of the same on merits.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.L.P.Shanmugasundaram,
Spl.Government Pleader
for Co.op.

ORDER

By consent, the writ petition is taken up for final disposal. L.P.Shanmugasundaram, learned Special Government Pleader accepts notice on behalf of the respondents.

2. The petitioner, while working as the Managing in charge of the Tiruchengode Cooperative Urban Bank Limited, Namakkal District, was placed under suspension on account of the pendency of the disciplinary proceedings with effect from 27.11.2015. The said order has been periodically extended. Challenging the legality of the extension of suspension order dated 22.08.2016, the petitioner has filed a revision before the first respondent and the papers were returned on the ground that the order is not final.

3. Mr.C.Prakasam, learned counsel for the petitioner has drawn the attention of this Court to Section 153(1) of the Tamil Nadu Co-operative Societies Act, 1983 and would submit that the Registrar may of his own motion or on application, call for and examine the record of any Officer subordinate to him or of the Board or any officer of a registered Society or of the Competent Authority constituted under Sub-section (3) of Section 75 of the Act. In the light of the said provision even if the extension of the order of suspension is an interim one, it can be challenged by way of filing a revision.

4. Per contra, L.P.Shanmugasundaram, learned Special Government Pleader would submit that the order put to challenge before the first respondent is dated 22.08.2016 and as per the said order the period of suspension was extended till 26.11.2016 and since the order has worked out itself, there is no point in directing the 1st respondent and entertaining the writ petition and hence, prays for dismissal of the writ petition.

5. In response to the said submission, Mr.C.Prakasam prays for leave of this Court to challenge the initial order of suspension or the latest order of extension order of suspension.

6. This Court has considered the rival submissions and also perused the typed set of papers.

7. Though the petitioner prays for a larger relief, this Court in the light of the above facts and circumstances, without going into the merits of the claim projected by the petitioner, permits the petitioner to file a revision petition, challenging the initial order of suspension or the latest order of extension period of suspension by invoking Section 153(1) of the Tamil Nadu Co-operative Societies Act, 1983, within a period of two weeks from the date of receipt of a copy of this order and the first respondent, upon receipt of the same, shall entertain the same if the papers or otherwise in order and thereafter, consider the said revision on merits and in accordance with law and pass orders within a further period of six weeks thereafter and communicate the decision taken to the petitioner as well as the 3rd respondent. the writ petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

vsi

To

1. The Joint Registrar of Co-operative Societies,
Namakkal Region, Namakkal,
Namakkal District.
2. The Managing Director/ Deputy Registrar,
Tiruchengode Cooperative Urban Bank Ltd.,
No.8994,
Tiruchengode, Namakkal District.
3. The President,
Tiruchengode Cooperative
Urban Bank Ltd., No.8994,
Tiruchengode,
Namakkal District.

+1 CC to Mr.C.Prakasam, Advocate Sr.No.8383

+1 CC to Government Pleader, High Court, Chennai Sr.No.8326

+1 CC to Mr.L.P.Shanmugasundaram, Advocate Sr.No.8169

W.P.No.3128 of 2017

NRI (CO)

KP(27.02.2017)

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