

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.12.2017

CORAM

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

W.P.No.20175 of 2011

Regina

..Petitioner

vs

1.The Joint Registrar of Co-operative Societies,
The Nilgris Region, Udhagamandalam.

2.The Special Officer,
Thirumurugan Primary Agricultural
Co-operative Society, Pandalur,
The Nilgris - 643 233.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records, pertaining to the order of the 1st respondent in File No.Na.Ka.7973/2010/B1 dated 21.02.2011 and quash the same as illegal and further direct the 1st respondent to take up the unnumbered Revision petition of the petitioner dated 27.12.2010, on its file and dispose the same on merits.

For Petitioner : Mr.D.J.Venkatesan

For Respondents: Mr.L.P.Shanmugasundaram
Special Government Pleader
(Co-operatives) for R1
Mr.P.S.Siva shanmugasundaram
for R2

ORDER

The revision petition preferred by the writ petitioner under Section 153 of the Tamil Nadu Cooperative Societies Act. This revision petition was rejected on the ground that there is a delay of 270 days in filing the revision petition. The claim of the writ petitioner is to set aside the order of punishment of stoppage of increment.

2.This Court is of the opinion that the punishment of stoppage of increment will affect the monetary benefits of the writ petitioner and the remedy of revision provided under Section 153 of the Tamil Nadu Cooperative Societies Act 1983, is an effective remedy to the employees of the Cooperative societies. The remedy of revision being a remedy under the Act

and thereafter only a Review provision is available, this Court is of the opinion that the 1st respondent ought to have entertained the revision petition by condoning the delay in filing the same. No doubt, the delay of 270 days is huge. However, considering the nature of punishment imposed on the writ petitioner, this Court is of the opinion that the revision petition preferred by the writ petitioner is to be adjudicated on merits and in accordance with law. In this view of the matter, the order impugned passed by the 1st respondent in proceedings File No.Na.Ka.7973/2010/B1 dated 21.02.2011 is quashed and the 1st respondent is directed to take the revision petition on file and decide the matter on merits and in accordance with law by affording opportunity to the respective parties within a period of twelve weeks from the date of receipt of a copy of this order.

3. Accordingly, this petition stands allowed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Joint Registrar of Co-operative Societies,
The Nilgris Region, Udhagamandalam.

2. The Special Officer,
Thirumurugan Primary Agricultural
Co-operative Society, Pandalur,
The Nilgris - 643 233.

+1cc to Mr.D.J.VENKATESAN Advocate, S.R.No. 88365

+1cc to the Government Pleader, S.R.No. 88158

TR(05/01/2018)

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