

In the High Court of Judicature at MadrasDated: **19.01.2017**

Coram:

The Hon'ble Mr.Justice **B.RAJENDRAN****Contp.No.2990 of 2016****and****W.P.No.26168 of 2016**

P.S.Ekambaram

... Petitioner

Vs.

P.Balamurugan,
Managing Director,
The Management of
Triplicane Urban Co-operative Society Ltd.,
No.156, Big Street,
Triplicane,
Chennai-5.

... Respondent

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondent for wilful disobedience of the order passed by this Court dated 27.07.2016 made in W.P.No.26168 of 2016.

For Petitioner : Mr.R.Krishnaswamy

For Respondent : Mr.L.P.Shanmughasundaram
Special Government
Pleader

O R D E R

Heard the learned counsel for the contemnor as well as the learned Special Government Pleader appearing on behalf of the respondent.

2.In the contempt petition, though detailed counter has been filed by the respondent, there seems to be a

communication gap in between the order passed by this Court dated 27.07.2016 and the order reached the respondent i.e., on 02.08.2016. However, the impugned order has been passed on 29.07.2016 (within two days of the order of this Court). It is also brought to the notice of this Court that the petitioner has not stated that he was due to retire on 31.07.2016 on the date of passing of the order and the respondent has only received the order on 31.08.2016.

3. In view of the aforesaid reasons, suffice it for this Court to state that the petitioner is at liberty to challenge the impugned order by way of a revision.

4. According to the petitioner, there is one impediment namely, the officer who has passed the impugned order is also the Revisional Authority. Therefore, he may not get justice from the same officer which is absolutely correct. Therefore, it is made clear that the petitioner is permitted to file a revision petition within a period of two weeks from the date of receipt of a copy of this order. The said revision shall be entertained de hors the limitation period. Moreover,

it should be considered by an officer other than the officer who has passed the impugned order and he should be in the rank of an Additional Registrar of Co-operative Societies and shall be nominated by the Registrar of Co-operative Societies. The petitioner shall be given sufficient opportunity including the points raised in the contempt petition. After providing sufficient opportunity to the petitioner, the authority concerned shall pass orders in the revision petition, within a period of three months. However, if the petitioner does not want to file a revision petition, it is always open to him to file an appeal before the Appellate Authority where the aforesaid conditions will not be applicable.

5. With the above observations and direction, this Contempt Petition is closed.

Dp

//Certified to be true copy//

Dated at Madras this the day of 2017.

COURT OFFICER (O.S.)

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Sm/CO/19/01/2017

To

The Managing Director,
The Management of
Triplicane Urban Co-operative Society Ltd.,
No.156, Big Street,
Triplicane,
Chennai-5.

2.The Registrar of Co-operative Societies ,
Triplicane ,Chennai-5.

One cc to Mr.Ajay Khose, Advocate , Sr.No.770/17

One cc to Mr.L.P.Shanmughasundaram , Advocate,
Sr.No.766/17.



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