

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.08.2017

CORAM

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

W.P. No.23345 of 2017

C.Chenchurathnam

.. Petitioner

Vs

1.The Joint Registrar of Cooperative Societies,
Collectorate Campus, Tiruvallur Region,
Tiruvallur-602 001.

2.The president,
J.J.182 Perandur Primary Agricultural
Cooperative Credit Society,
Perandur Village & Post-602 026,
Uthukottai Taluk,
Thiruvallur District.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings No.A.Thi.Mu.2213/2017/A3, dated 23.06.2017 and quash the same and consequently direct the 1st respondent to entertain and dispose the Statutory Revision filed by the petitioner on 17.06.2017 on merits.

For Petitioner : Mr.C.Prakasam

For Respondents: Mr.L.P.Shanmugasundaram, Spl GP
(Co-op)

O R D E R

The order of rejection passed by the 1st respondent in proceedings dated 23.06.2017 is under challenge in this writ petition.

2. The writ petitioner was working as Secretary under the 2nd respondent-Co-operative Society and retired from service on attaining the age of superannuation on 31.07.2014. However, the terminal benefits due to the writ petitioner has not been settled by the respondents in this regard. The writ petitioner

filed a revision petition before the 1st respondent under Section 153 of the Tamil Nadu Cooperative Societies Act. The same was returned in proceedings dated 23.07.2016 by stating that the revision petition was not filed in time. The learned counsel appearing for the writ petitioner states that there is a delay of about three years. Non payment of terminal and pensionary benefits are continuing cause as far as the writ petitioner is concerned and therefore, the petition filed under Section 153 of the above said Act cannot be rejected on the ground of delay and the competent authority namely the 1st respondent can very well condone the delay, since, the cause is continuing and adjudicate the writ petition on merits and in accordance with law. In this view of the matter, order impugned issued by the 1st respondent in proceedings No.A.Thi.Mu2213/2017/A3 is quashed and the 1st respondent is directed to take the revision petition on file and adjudicate the same on merits and in accordance with law by affording opportunity to the parties concerned and pass appropriate orders within a period of four months from the date of receipt of copy of this order.

Accordingly, the writ petition stands allowed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Joint Registrar of Cooperative Societies,
Collectorate Campus, Tiruvallur Region,
Tiruvallur-602 001.

2.The president,
J.J.182 Perandur Primary Agricultural
Cooperative Credit Society,
Perandur Village & Post-602 026,
Uthukottai Taluk,
Thiruvallur District.

+2cc to M/s.L.P.Shanmuga sundaram, Advocate sr.62683,63319

+1cc to Government Pleader sr.63351

+1cc to Mr.C.Prakasam, Advocate sr.62990

W.P. No. 23345 of 2017

sai(co)

ss(27/9/2017)