

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.23629 of 2017
and W.M.P.No.24816 of 2017

E.Ramesh

...Petitioner

/Versus/

1. The Joint Registrar of Co-operative Societies,
Kancheepuram Region,
Kancheepuram.
2. G.1644 Walajabad Primary Agricultural
Co-operative Credit Society,
Rep by its President,
Walajabad & Post,
Kancheepuram District.

...Respondents

Prayer: Writ petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records in pursuant to the 1st impugned order issued by the 1st respondent in Proceedings Na.Ka.No.1878/2017/Sa.Pa dated 28.03.2017 and the subsequent 2nd impugned order issued by the 1st respondent in Proceedings Na.Ka.No.1878/2017/Sa.Pa dated 08.05.2017 and quash these orders and consequently direct the 1st respondent to consider the Revision Petitions of the petitioner dated 23.03.2017 and the subsequent representation dated 17.04.2017.

For Petitioner : Mr.R.Prem Narayan

For Respondents : Mr.L.P.Shanmugasundaram
Spl. G.P (Co.Op.)

O R D E R

The order of rejection of the Revision Petition filed by the writ petitioner under Section 153 of the Tamil Nadu Co-operative Societies Act is under challenge in this Writ Petition.

2. The first respondent passed an order on 28.03.2017 stating that the writ petitioner filed a Revision Petition under Section 153 of the Act after a lapse of 8 years and 8 months and therefore, the Revision Petition cannot be entertained and the same was rejected.

3. The learned counsel appearing for the writ petitioner submits that the writ petitioner was working as a Salesman in the Old Seevaram Co-operative Stores and on account of certain allegations he was placed under suspension on 24.03.2008. Charge memo was issued and an enquiry was conducted. Pursuant to the domestic enquiry report the writ petitioner was terminated from the service in proceedings dated 02.07.2008. Admittedly, the Revision Petition under Section 153 of the Tamil Nadu Co-operative Societies Act was filed on 23.03.2017 after a lapse of 8 years and 8 months.

4. The learned Additional Government Pleader appearing for the respondents made a submission that the delay is enormous and the same cannot be condoned on the facts of the case and a huge delay of 8 years and 8 months is condoned will cause prejudice and will create a wrong precedent. This apart the Hon'ble Division Bench of this Court in the case of S.Selvakumar -vs- State of Tamil nadu and others reported in 2014(26) R.C.R. (Civil) 495. The relevant Paragraph 19 is extracted hereunder.

"19. Though the above provision provides for admission of any appeal or application after the prescribed period if the appellant or the applicant satisfies the Court that he had sufficient cause for not preferring the appeal or making the application within the period, the explanation clause would make it clear that in order for admission of appeal or application, the appellant or the applicant has to establish that he was misled by any order, practice or judgment of the High Court in ascertaining or computing the prescribed period. In this case, the appellant has neither satisfied the Court that he had sufficient cause for not preferring the appeal in time nor is it his case that he was misled by any order, practice or judgment of the High Court in ascertaining or computing the prescribed period. Therefore, there is no merit in this contention as well."

In view of the legal principles laid down by the Hon'ble Division Bench, the present case deserves no further consideration.

5. This Court is of the view that a delay for a reasonable duration can be condoned and the Revision Petition can be entertained, since the Revision Petition under Section 153 was filed challenging the order of termination. However, the writ petitioner has not chosen to file the Revision Petition within a reasonable period and the same is filed after a lapse of 8 years and 8 months. The affidavit filed in support of this Writ Petition also is not clear with regard to the reasons for such a huge delay. In other words the writ petitioner has not substantiated any valid reason for condoning such a huge delay of 8 years and 8 months. In this view of the matter, no further adjudication is required on the ground raised in this Writ Petition.

6. Accordingly, this Writ Petition stands dismissed. However, no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

ah/rna

To

1. The Joint Registrar of Co-operative Societies,
Kancheepuram Region,
Kancheepuram.
2. The President,
G.1644 Walajabad Primary Agricultural
Co-operative Credit Society,
Walajabad & Post,
Kancheepuram District.

+1cc to M/S.R.Prem Narayan, Advocate Sr. 65510
+1cc to L.P.Shanmugasundaram, Advocate Sr. 65334

W.P.No.23629 of 2017

KS (CO)
VR(03/10/2017)