

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2017

CORAM

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

W.P.No.19998 of 2015

K.Sakthivel

.. Petitioner

Vs

The Joint Registrar of Co-Operative Societies
Cuddalore Region, Cuddalore
Cuddalore District.

.. Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the respondent in her proceedings A.Thi.Mu.No.4221/2015, Thu.Va.Tha.1, dated 24.06.2015 and quash the same and consequently direct the respondent to entertain the Statutory Revision and dispose the same on merits.

For Petitioner : Mr.G.Ilamurugu

For Respondent : Mr.L.P.Shamuga Sundaram
Special Government Pleader

ORDER

The order of rejection, rejecting the Revision Petition filed by the petitioner under Section 153 of Tamil Nadu Co-operative Societies Act, 1983, is under challenge in this writ petition.

2. The writ petitioner was working as clerk in Mangalampet Primary Agricultural Co-operative Credit Society, Mangalampet, Cuddalore District. On account of certain allegations, he was terminated from the service. Against the order of termination, the writ petitioner preferred an revision petition under Section 153 of Tamil Nadu Co-operative Societies Act and the same was rejected by the respondent on the ground that it was not filed within a prescribed period of 90 days from the date of passing

of the termination order. The order of termination is a major penalty imposed on the writ petitioner and it is the final opportunity for the employee to adjudicate the merits before the competent authority. Such being the available right, the same cannot be denied on the technical ground of delay and therefore, this Court is of the view that the revision petition is to be decided on merits and in accordance with law. In this view of the matter, the order impugned in this writ petition issued by the respondent vide proceedings in A.Thi.Mu.No.4221/2015, Thu.Va.Tha.1, dated 24.06.2015 is quashed.

3. The respondent is directed to take the revision petition on file and consider the same on merits and in accordance with law by affording an opportunity to parties concerned and thereafter, pass final orders within a period of twelve weeks from the date of receipt of a copy of the order.

4. Accordingly, the writ petition stands allowed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

dna

+lcc to G.Elamurugu, Advocate Sr.No.63292

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AR(CS IV)
CS/11/09/17

सत्यमेव जयते

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