

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2017

CORAM

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

W.P.No.6252 of 2013
and
MP.No.1 of 2013

N.D.Palani

..Petitioner

Vs

1.The Deputy Registrar of Coop.Societies,
Tiruvannamalai Circle,
Tiruvannamalai,
Tiruvannamalai District.

2.The Special Officer,
H.H.502, Periya Olaipadi Primary,
Agricultural Coop.Credit Society,
Periya Olaipadi Village & Post,
Tiruvannamalai Taluk & District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 1st respondent to pass final order on the basis of the enquiry conducted by him on 28.11.2003.

For Petitioner : Mr.C.Prakasam.

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader
(Co-operative Societies)

ORDER

The relief sought for in this writ petition is for a direction to the first respondent to pass final order on the basis of the enquiry conducted by him on 28.11.2003.

2.The learned counsel appearing for the writ petitioner made a submission that the writ petitioner was appointed as a Salesman on 08.03.1999, in the second respondent society as per the resolution passed by the Electricity Board of Directors in

Resolution No.1, dated 8.3.1999. The writ petitioner earlier filed WP.No.16868 of 2002 challenging the show cause notice issued in order to terminate his services. The writ petition was posted along with the batch of writ petitions on 24.10.2002. The writ petition filed by the writ petitioner was also disposed of along with the Writ Appeal Nos. 2501 & 2502 of 2001 by the Hon'ble Division Bench of this Court in the case of L.Justin and Another Vs. The Registrar of Co-operative Societies, Chennai reported in 2002(4) CTC 385.

3.The learned counsel states that para 19(v) of the judgment rendered by the Hon'ble Division Bench "directs" that, the Deputy Registrar has to conduct enquiry by issuing notice to the entire staff recruited from 09.07.1980 to 11.3.2001 and decide as to whether the said recruitment is in conformity with the special bye-laws approved by the Registrar of the Co-operative Societies and thereafter, to terminate the services of such staff members, whose appointments are in contravention to the special bye-laws so approved by the Registrar of Co-operative Societies.

4.The learned counsel states that pursuant to the judgment of the Hon'ble Division Bench dated 24.10.2002, a notice was issued by the Deputy Registrar of Co-operative Societies, Tiruvannamalai Circle, Tiruvannamalai District to the writ petitioner in proceedings dated 12.11.2003. Accordingly, the details and the service particulars of the writ petitioner were obtained by the Deputy Registrar of Co-operative Societies, Tiruvannamalai Circle, Tiruvannamalai District. But, no final decision has been taken in this regard. In Page No.28 of the typed set of papers filed along with the writ petition, a copy of the representation dated 15.12.2002 is enclosed by the writ petitioner. The representation states that inspite of the fact that the petitioner is qualified for regularization, his case was not considered. However, the writ petitioner admitted the fact that he was terminated from service by the then Special Officer of the Co-Operative Societies in the year 2002. Further, he states that he had approached the Court, thereafter, it is stated that the similarly placed persons were absorbed and their services were regularised.

5. Thus, the fact remains that the writ petitioner was terminated from service in the year 2002 and thereafter, he filed the writ petition and the same was disposed of along with the batch of cases by the Hon'ble Division Bench on 24.10.2002 and subsequently, the writ petitioner has not pursued the matter for about ten years. This Court, is conscious of the fact that the Hon'ble Division Bench had considered the plight of the irregular appointees working in Co-operative Societies and a detailed judgment was delivered redressing the grievances and issued directions to the competent authority to follow the Rules

and other special bye-laws. Subsequent to the judgment of the Hon'ble Division Bench, the said exercise was done by the competent officials of the Co-Operative Department and the services of large number of employees who were working in the Co-operative Societies were regularised. Though the writ petitioner had filed a writ petition in the year 2002 and obtained orders from the Hon'ble Division Bench on 24.10.2002, he has not pursued the matter in accordance with law, for the past more than ten years. If the competent authority has not followed the directions issued by the Hon'ble Division Bench on 24.10.2002, the writ petitioner ought to have moved this Court for appropriate remedy. However, the writ petitioner has slept over his rights for more than a decade and now cannot knock the doors of this Court for any remedy. A person who slept over his right cannot approach this Court after a lapse of many years and such a claim cannot be entertained by this Court under Article 226 of the Constitution of India. This apart, the Hon'ble Division Bench granted remedy to the writ petitioner in judgment dated 24.10.2002, but, the writ petitioner has not availed the benefit of the judgement by pursuing his remedy in accordance with the directions given by the Hon'ble Division Bench. Contrarily, he was waiting and such a huge delay of about ten years has not been sufficiently explained before this Court even in the affidavit filed in support of this writ petition.

6. In this view of the matter, no further adjudication on merits on the grounds raised in the writ petition is required to be undertaken and the writ petition is liable to be dismissed on the ground of laches. Accordingly, the writ petition stands dismissed. Consequently, connected miscellaneous petition is also dismissed. However, there shall be no order as to costs.

ms

sd/

ASSISTANT REGISTRAR

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

To

1. The Deputy Registrar of Coop. Societies,
Tiruvannamalai Circle,
Tiruvannamalai,
Tiruvannamalai District.

2.The Special Officer,
H.H.502, Periya Olaipadi Primary,
Agricultural Coop.Credit Society,
Periya Olaipadi Village & Post,
Tiruvannamalai Taluk & District.

+1 CC to Mr.C.Prakasam, Advocate Sr.No. 74613

+1 CC to Mr.L.P.Shanmugasundaram , Advocate Sr.No. 74670

W.P.No.6252 of 2013

(CO)
MLT 23/11/2017



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