

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.4947 of 2015

and

M.P.No.1 of 2015

V.Natarajan

...Petitioner

Vs.

1.The Joint Registrar of Co-operative Societies
Villupuram Region, Villupuram,
Villupuram District.

2.The Managing Director,
Villupuram District Central Coop. Bank,
Villupuram. ...Respondents

Prayer: The writ 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 1st respondent in his proceedings A.Thi.Mu.No.232/2015/Sa.Pa, dated 20.01.2015 and quash the same and consequently direct the 1st respondent to enterretain the statutory Revision and dispose the same on merits and pass orders.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.L.P.Shanmuga Sundaram
Special Government Pleader.

O R D E R

The order issued by the first respondent in proceedings dated 20.01.2015, returning the Revision Petition filed by the petitioner under Section 153 of Tamil Nadu Co-operative Societies Act, against which the present writ petition is filed.

2. The learned counsel appearing for the writ petitioner contended that the writ petitioner is holding the post of Field Supervisor in Villupuram District Central Co-operative Bank and on account of certain allegations, an enquiry was conducted and

the Disciplinary Authority imposed the punishment of stoppage of increment for six months with cumulative effect.

3. Challenging the said order of punishment, the writ petitioner preferred the Revision Petition under Section 153 of Tamil Nadu Co-operative Societies Act, before the first respondent on 13.01.2015. The said Revision Petition was returned by the first respondent in proceedings dated 20.01.2015 on the ground that the Revision Petition was filed with a delay of 35 days. The order impugned states that the Revision Petition under Section 153 was not filed within 90 days as contemplated under the provisions of the Tamil Nadu Co-operative Societies Act.

4. This Court is of the view that the delay of 35 days should not defeat the justice. The first respondent shall condone the delay and entertain the Revision Petition on merits and take a decision in this regard. The delay of 35 days, in filing the Revision Petition, cannot be construed as a long delay and the authorities competent can very well condone the delay and take the Revision Petition on file for adjudication.

5. In this view of the matter, the delay of 35 days, in filing the revision petition under section 153 of the Tamil Nadu Co-operative Societies Act, is condoned and the order impugned issued in proceedings No.232/2015/Sa.Pa. dated 20.01.2015 is quashed. The first respondent is directed to take the Revision Petition on file and adjudicate the same in accordance with law and pass final order, by providing an opportunity to all the parties under the provisions of the Tamil Nadu Co-operative Societies Act.

6. Accordingly, the writ petition stands allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

1.The Joint Registrar of Co-operative Societies
Villupuram Region, Villupuram,
Villupuram District.

2.The Managing Director,
Villupuram District Central Coop. Bank,
Villupuram.

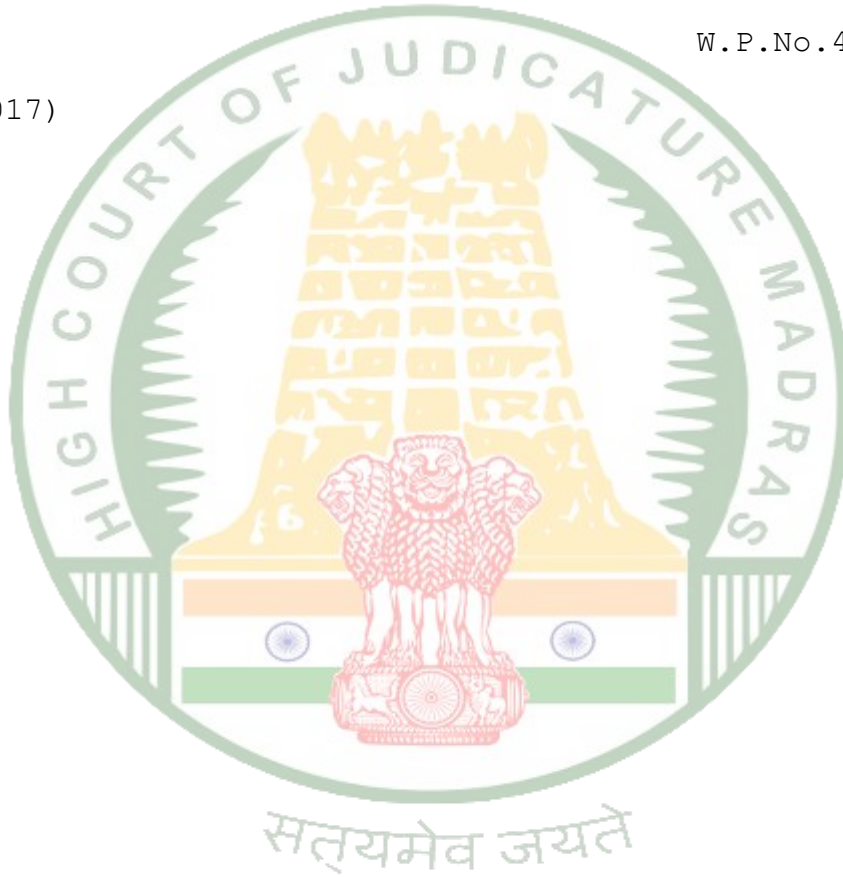
+1cc to Mr.L.P.Shanmugasundaram,Advocate sr.59465

+1cc to Mr.C.Prakasam,Advocate sr.59567

+1cc to Government Pleader sr.59321

W.P.No.4947 of 2015

ss (31/8/2017)



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