

In the High Court of Judicature at Madras

Dated : 28.08.2017

Coram :

The Honourable Mr.Justice S.M.SUBRAMANIAM

W.P. No.4859 of 2016

S.Sarangapani

...Petitioner

Vs

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

2. The President,
G.2237 Mambakkam Primary Agricultural
Cooperative Credit Society,
Mambakkam Village & Post,
Via Vandalur, Chennai - 127.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.6597/2015/Sa.Pa, dated 30.11.2015 and quash the same and consequently direct the 1st respondent to entertain the Statutory Revision and dispose the same on merits.

For Petitioner

: Mr.C.Prakasam

For Respondents

: Mr.L.P.Shanmugasundaram,
Special Government Pleader (Co-op)

ORDER

The order dated 30.11.2015, rejecting the Revision Petition filed by the petitioner under Section 153 of the Tamil Nadu Cooperative Societies Act, is under challenge in this writ petition.

2. On a perusal of the order impugned in this writ petition, the first respondent, while rejecting the Revision Petition has stated that the writ petitioner has not filed the revision petition within 90 days from the date of the order passed by the Joint Registrar of Co operative Societies.

3. The learned counsel appearing for the writ petitioner states that there is a delay of 93 days in preferring the Revision Petition under Section 153 of the Act.

4. The writ petitioner was an employee of Mambakkam Primary Agricultural Cooperative Credit Society and he was holding the post of Secretary. On account of certain allegations, a criminal case was registered and subsequently disciplinary proceedings were also initiated against the writ petitioner. After conducting domestic enquiry, the writ petitioner was

dismissed from service vide proceedings dated 09.05.2015

5. Challenging the order of termination, a revision petition was filed under section 153 of the Tamil Nadu Cooperative Societies Act on 07.11.2015. Thus the revision petition is filed against the order of termination, which is the last opportunity to the writ petitioner to adjudicate the matter before the competent authority under the Act. The punishment of termination being a major penalty, such a delay of 93 days in preferring the Revision Petition shall not defeat the opportunity of the petitioner to adjudicate the Statutory Revision Petition on merits.

6. In this view of the matter, the order passed by the first respondent in proceedings Na.Ka.6597/2015/Sa.Pa, dated 30.11.2015 is quashed and the first respondent is directed to take the Revision Petition filed by the writ petitioner on file and consider the same on merits and in accordance with law, by affording an opportunity to all the parties concerned and thereafter, pass final orders. Accordingly, the writ petition is allowed. However no order as to costs.

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Index : Yes (or) No

Internet Yes (or) No
Speaking order/ Non Speaking order

S.M.SUBRAMANIAM,J

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To

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Kancheepuram Region, Kancheepuram,
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