

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8044 of 2015 &
M.P.Nos. 1 & 2 of 2015

V.Jothi Bai

[PETITIONER]

Vs

- 1 Joint Registrar of Co-operative Societies
Vellore Region,
Vellore Post and District.
- 2 The Pallikonda Co-operative Urban Bank Ltd
Rep. by its Managing Director
Pallikonda-635 809,
Vellore District.

[RESPONDENTS]

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records of the first respondent relating to his order in No.Rc.554/ 2015 A2 dated 10.2.2015 and of the second respondent relating to the Charge Memo dated 30.10.2014 and quash the same and consequently direct the respondent to make the pay of all the retirement benefits including Gratuity Surrender Leave Salary Security Deposit etc. with interest from 1.6.2014 with interest at 15% before a date to be specified.

For Petitioner :Mr.P.Anbarasan

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

O R D E R

The order of rejection passed by the second respondent dated 30.10.2014, and order passed by the first respondent dated 10.02.2015, are under challenge in this Writ Petition.

2.The writ petitioner was an employee of the second respondent Co-Operative Bank and the grievances of the petitioner is that his terminal and retiral benefits were not settled. In this regard, the second respondent-Managing Director issued a charge memo on 30.10.2014. Aggrieved over the same, the writ petitioner, preferred a Revision Petition before the first respondent under section 153 of

the Co-operative Societies Act. However, the first respondent rejected the same on the ground that the writ petitioner has to approach the second respondent-Managing Director and obtain necessary reply from the Co-Operative Bank itself.

3. Such an order issued by the first respondent is certainly evasive in nature and the first respondent being the competent authority and vested with quasi judicial power, has to examine the records and pass orders on merits and in accordance with law. The purport of Section 153 of the Act is unambiguous that even the competent authority can initiate or call for the records suo motu. Such being the power vested under the provisions of the Act, the first respondent cannot simply reject the Revision Petition filed under section 153 of the Act, by directing the writ petitioner to approach the second respondent. Such an evasive order is to be certainly deprecated and the competent authorities exercising the quasi judicial power are bound to consider the cases on merits and take a decision by applying their mind on the facts and law. Such being the scope and expectation of law from the quasi judicial authority, the order impugned in this writ petitioner deserves to be set aside.

4. On a perusal of the order impugned in this Writ Petition dated 10.02.2015, this Court is of the clear view that the said order was not issued in accordance with the provisions of section 153 of the Act. Therefore, the impugned order passed by the first respondent in proceedings No.Na.Ka.554/2015 a2 dated 10.02.2015, is set aside and the matter is remitted to the first respondent for reconsideration and the first respondent is directed to provide opportunities to all the parties and conduct enquiries in accordance with the provisions of section 153 of the Co-Operative Societies Act and pass final orders, within a period of twelve weeks from the date of receipt of a copy of this order.

5. The Writ Petition stands allowed on the above terms. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rpa

To

- 1 Joint Registrar of Co-operative Societies
Vellore Region,
Vellore Post and District.
- 2 The Pallikonda Co-operative Urban Bank Ltd
Rep. by its Managing Director
Pallikonda-635 809, Vellore District.

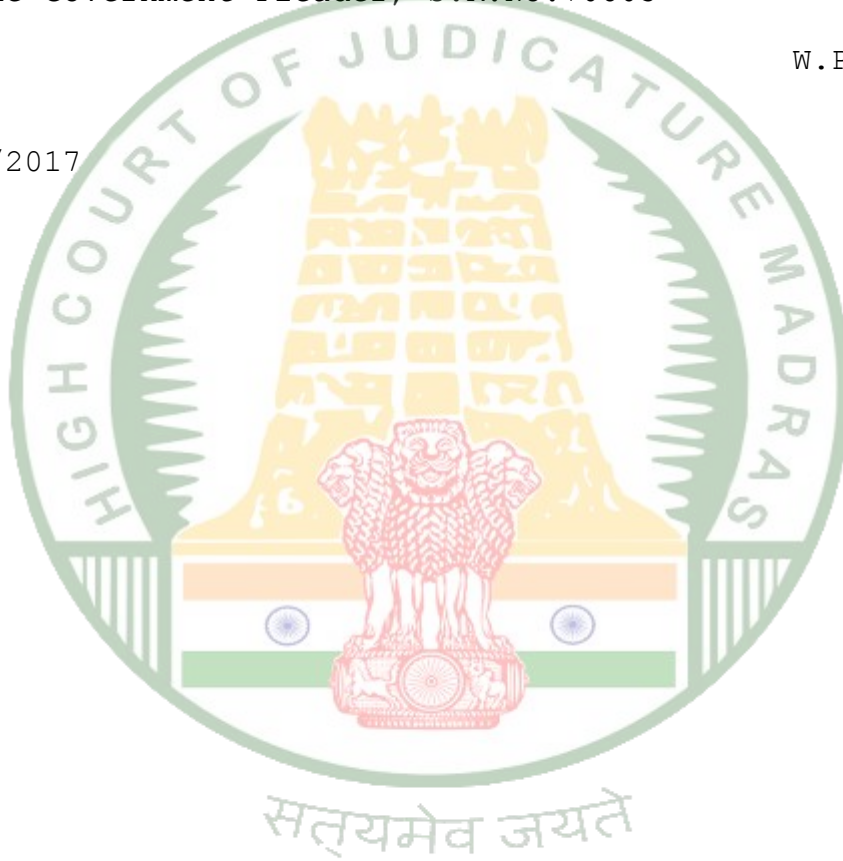
+1cc to Mr.P.Anbarasan , Advocate, S.R.No.69624

+1cc to Mr.L.P.Shanmuga Sundaram, Advocate, S.R.No.70198

+1cc to the Government Pleader, S.R.No.70803

W.P.No.8044 of 2015

ppa (co)
pmk.28/10/2017



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