

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8437 of 2015

K.K.Subramaniam

[PETITIONER]

Vs

- 1 The Joint Registrar of Co-operative Societies
(Revisional Authority)
Erode Zone, Erode.
- 2 The Management
AA 188, Perunthurai R.S.Primary Agriculture
Co-Operative Credit Society
Perunthurai R.S. and Post
Erode.

[RESPONDENTS]

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records concerned from the first respondent, quash the order of the first respondent dated 10.10.2014, bearing Na.Ka.7989/2014/Saba as illegal, arbitrary, contrary to law and consequently direct the respondents to entertain and adjudicate the Revision Petition dated 25.09.2014 and pass orders on the same on its merits and in accordance with law, within the time frame stipulated by this Court.

For Petitioner :Mr.V.Kadhirvelu

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

ORDER

The order passed by the first respondent dated 10.10.2014, rejecting the Revision Petition filed by the writ petitioner under section 153 of the Tamil Nadu Co-Operative Societies Act (in short 'Act') , is under challenge in this Writ Petition.

2.The writ petitioner is an employee of the second respondent- Co-operative Society and he was not disbursed with gratuity and provident fund benefits. In this regard, the writ petitioner preferred a Revision Petition before the first respondent under section 153 of the Act, on 25th September, 2014. However, the first respondent rejected the same by his proceedings dated 10.10.2014, by stating that the second respondent has not passed any orders and therefore, no Revision under section 153 of the Act, can be entertained.

3.Such a finding given by the Joint Registrar of Co-Operative Societies is absolutely perverse and contrary to the very letter and spirit of section 153 of the Act. The provision cited supra clearly enumerates that the Registrar may on his own motion shall call for the records from the concerned Co-operative Society and by conducting an enquiry, he can pass orders on the issue. The scope of Section 153 of the Act is wide in nature and the Joint Registrar cannot simply reject the Revision Petition filed under section 153 of the Act by stating that the Society has not passed any orders.

4.Even in the absence of any order passed by the concerned Co-operative Society, the Joint Registrar under section 153 of the Act, has to entertain the Revision Petition and call for the records from the Society concerned and take a decision in this regard on merits and in accordance with law. Such being the scope of the Section provided under the Act, the order impugned in this Writ Petition deserves to be scrapped.

5.The writ petitioner made a claim in respect of disbursement of gratuity and Provident Fund amount and certainly it is a statutory eligibility conferred to the employees of the Co-operative Societies under Sections 78 & 79 of the Act. Such being the statutory liability to be honoured in respect of the employees of the Co-operative Society, the same cannot be rejected simply on the ground that the Society-Management has not passed any orders.

6.In this view of the matter, the order impugned in this Writ Petition passed by the first respondent dated 10.10.2014, is quashed and the matter is remitted back to the first respondent for re-consideration and accordingly, the first respondent shall provide opportunities to all the parties, conduct an enquiry and pass final orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7The Writ Petition stands allowed on the above terms. No costs.

sd/
ASSISTANT REGISTRAR

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

rpa

To

- 1 The Joint Registrar of Co-operative Societies
(Revisional Authority)
Erode Zone, Erode.
- 2 The Management
AA 188, Perunthurai R.S.Primary Agriculture
Co-Operative Credit Society
Perunthurai R.S. and Post
Erode.

+1 CC to Mr.L.P.SHANMUGASUNDARAM, Advocate Sr.No.70201
+1 CC to Mr. V.KADHIRVELU, Advocate Sr.No.69696
+1 CC to Government Pleader Sr.No.70797

NR 23/11/2017

W.P.No.8437 of 2015

सत्यमेव जयते

WEB COPY