

In the High Court of Judicature at Madras

Dated : 17.11.2017

Coram :

The Honourable Mr.Justice S.M.SUBRAMANIAM

W.P.No.18567 of 2012

R.Prakash

... Petitioner

Vs

1. The Joint Registrar of Co-Operative Societies,
Cuddalore Region, Cuddalore,
Cuddalore District.
 2. The Special Officer,
E-2704, Chettithangal Primar
Agricultural Coop.Credit Society,
Chettithangal and Post,
Kattumannar Koil Taluk
Cuddalore District.
- ... Respondents

Prayer: Petition under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the first respondent in his proceedings A.Thi.Mu.3128/2012 Thu.Va.Tha.1, dated 27.06.2012 and quash the same and consequently direct the first 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-operatives)

ORDER

The order of rejection dated 27.06.2012 issued by the first respondent is under challenge in this writ petition.

2. The learned counsel appearing for the writ petitioner contended that the writ petitioner was appointed as Salesman on 08.05.1998. However, he was retrenched from service with effect from 17.09.2001. Challenging the order of retrenchment, the writ petitioner filed W.P. No.26062 of 2001 and the Hon'ble

Division Bench of this Court passed orders on 24.10.2002, directing the authorities to consider the cases based on the guidelines issued 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 for the writ petitioner states that pursuant to the orders of the Division Bench, the competent authorities have not taken any action in respect of the case of the writ petitioner and the petitioner has waited about 10 years. Even in the affidavit filed by the writ petitioner along with the writ petition states that the Deputy Registrar of Co-operative Societies had not conducted any enquiry as per the orders of the Hon'ble Division Bench, dated 24.10.02 and the petitioner has to wait for more than 10 years. Except by stating that the petitioner has to wait for about 10 years, no reason has been furnished in the affidavit in respect of huge delay caused for filing the present writ petition. The petitioner has not explained the delay of 10 years, even in filing the revision petition under Section 153 of the Tamil Nadu Co-operative Societies Act.

4. The Hon'ble Division Bench passed orders on 24.10.2002 and the writ petitioner preferred a revision petition under Section 153 of the Tamil Nadu Co-operative Societies Act before the first respondent on 19.06.2012, nearly after a lapse of 10 years from the date of the judgment of the Hon'ble Division Bench and 11 years from the date of passing of the order of the retrenchment.

5. Thus, this Court of the view that the huge delay of about 10 years has not been explained by the writ petitioner and a person who slept over his right cannot wake up one fine morning and knock the doors of the competent authority or the High Court. It is not the case as if the aggrieved person can approach the Court any time after the lapse of a decade. In this view of the matter, the order impugned passed by the first respondent rejecting the revision petition on the ground of delay is justified and there is no infirmity.

6. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS-)

//True Copy//

Sub Assistant Registrar

vv/vsi2

To

1. The Joint Registrar of Co-Operative Societies,
Cuddalore Region, Cuddalore,
Cuddalore District.
2. The Special Officer,
E-2704, Chettithangal Primar
Agricultural Coop.Credit Society,
Chettithangal and Post,
Kattumannar Koil Taluk
Cuddalore District.

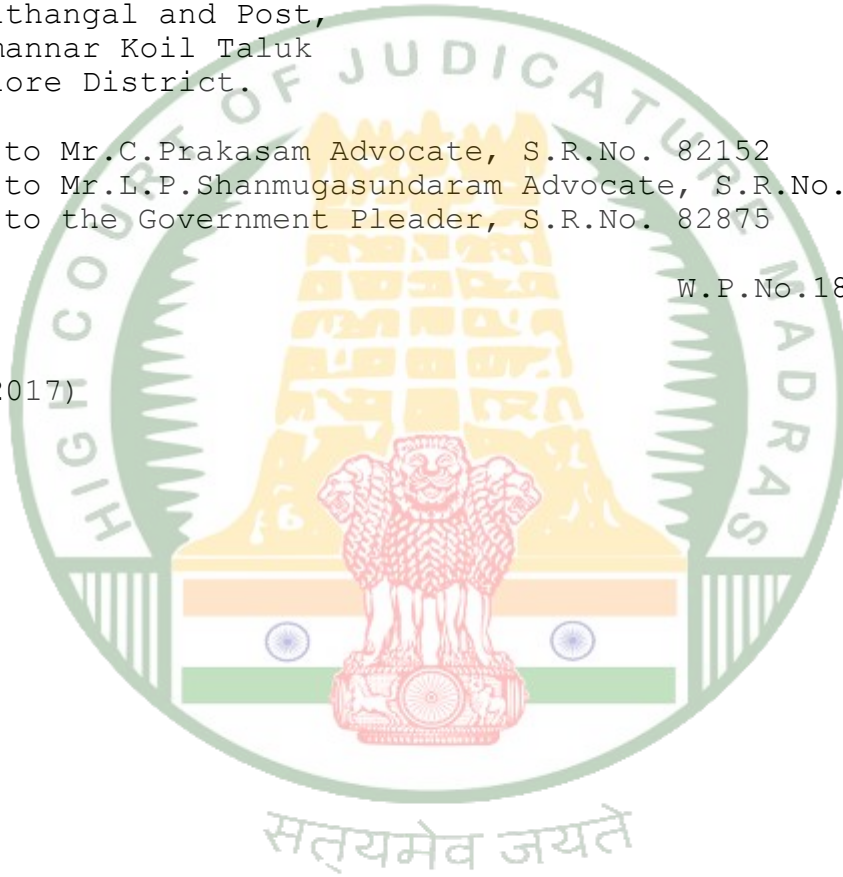
+1cc to Mr.C.Prakasam Advocate, S.R.No. 82152

+1cc to Mr.L.P.Shanmugasundaram Advocate, S.R.No. 82135

+1cc to the Government Pleader, S.R.No. 82875

W.P.No.18567 of 2012

TR(06/12/2017)



WEB COPY