



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2016

CORAM

**THE HON'BLE Dr.JUSTICE S.VIMALA****W.P(MD) No.18075 of 2016**

WEB COPY

P.Chandrasekhar

... Petitioner

-vs-

1.The Registrar of Co-operative Societies,  
Kilpauk, Chennai.2.The Joint Registrar of Co-operative Societies,  
Trichy Region,  
Trichy - 620 020.3.The Deputy Registrar of Co-operative Societies,  
Lalgudi Circle,  
Trichy - 621 601.4.The Special Officer,  
No.273, Valadi Primany Co-operative Credit Society Ltd.,  
Valadi Post,  
Lalgudi Taluk.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified mandamus calling for the records pertaining to the impugned order passed by the 2nd respondent in Na.Ka.501/2016/SaBa dated 22.02.2016 and to quash the same and consequently direct the respondents to reinstate the petitioner with back wages with continuity of service.

|                 |                                                              |
|-----------------|--------------------------------------------------------------|
| For Petitioner  | : Mr.M.R.Sreenivasan                                         |
| For RR - 1 to 3 | : Mr.T.S.Mohammed Mohideen,<br>Additional Government Pleader |
| For R - 4       | : Mr.V.R.Shanmuganathan<br>Special Government Pleader        |

**O R D E R**

This writ petition has been filed to quash the impugned order passed by the second respondent dated 22.02.2016 and consequently direct the respondents to reinstate the petitioner with back wages with continuity of services.

2.Heard the learned counsel for for the petitioner, the Learned Additional Government Pleader who who takes notice for the respondents 1 to 3 and the learned Special Government Pleader who



takes notice for the fourth respondent. By consent, the writ petition itself is taken up for final disposal at the stage of admission.

3. The petitioner was working as an Office Assistant in the fourth respondent office. Charges were levelled against him alleging that he made false entries in the register with regard to a jewel loan. Despite, explanations being given, the fourth respondent placed the petitioner under suspension and subsequently he was dismissed from service on 30.04.2012. The petitioner sent a representation to the respondents dated 05.10.2015, requesting to reinstate the petitioner in service. Since no orders have been passed, WP(MD)No.22703 of 2015 has been filed, whereunder a direction was issued to the petitioner to file Revision under Section 153(1) of the Tamil Nadu Co-operative Societies Act, 1983. Accordingly, the petitioner has filed a Revision under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983, which was dismissed by the second respondent on the ground of limitation.

4. It is the contention of the petitioner that there is no period prescribed for preferring Revision and this contention has been upheld by this Court in the decision reported in **2012 (4) CTC 257 [N.P.Palanisamy Vs. State of Tamil Nadu rep.by Secretary to Government, Food & Co-operation Department, Fort St.George, Chennai and others.,]** in which, it has been held that the time prescribed in Section 153 of the Tamil Nadu Co-operative Societies Act, 1983 is only directory and not mandatory and therefore, there is no limitation.

5. Paragraph - 26 of the said Judgment is extracted hereunder for convenient reference:

"From the above judgment, it is crystal clear that an employee of a co-operative society has got remedies available both under the provision of the Tamil Nadu Co-operative Societies Act as well as under the Industrial Disputes Act. In a given case, suppose, an employee who has got both remedies available for him approaches the Labour Court by raising an industrial dispute regarding his termination from service, under the Industrial Disputes Act, there is no limitation and therefore, he can raise the dispute within a reasonable time. If for any reason, he chooses to file a Revision under Section 153 of the Act, belatedly, it cannot be said that his remedy is barred by limitation. It cannot be said that while enacting Section 153 of the Act, the legislature was unaware of the provisions of the Industrial Disputes Act. When there is no period of limitation for an employee to raise an industrial dispute, I am firm in my view that there shall be no such period of limitation for him to file a Revision under the Co-operative Societies Act. Therefore, if we read Section 153 of the Act, in the context of the remedies



available under the Industrial Disputes Act, it will surely give the impression that what is contained in the proviso to Section 153 of the Act, is not at all mandatory and it is only directory."

6. This Court took such a view, considering the provision of Section 153 of the Tamil Nadu Co-operative Societies Act, in the light of the remedies available under the Industrial Disputes Act. It is also observed that when there is no period of limitation for an employee for raising an industrial dispute, there shall be no period of limitation to file a Revision under Co-operative Societies Act. Therefore, it is held that proviso to Section 153 of the Tamil Nadu Co-operative Societies Act is only directory and not mandatory.

7. Under such circumstances, following the decision of this Court reported in **2012 (4) CTC 257 (cited supra)**, this Writ Petition is allowed and the order passed by the second respondent dated 22.02.2016, rejecting the Revision Petition, on the ground of limitation, is set aside and the second respondent is directed to entertain the Revision, afford opportunity to both parties including personal hearing and to pass orders in accordance with law as expeditiously as possible. No costs. Consequently, connected WMP(MD) Nos. 13046 & 13047 of 2016 are closed.

Sd/-

Assistant Registrar (Crl. Side)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Registrar of Co-operative Societies,  
Kilpauk, Chennai.
2. The Joint Registrar of Co-operative Societies,  
Trichy Region, Trichy - 620 020.
3. The Deputy Registrar of Co-operative Societies,  
Lalgudi Circle, Trichy - 621 601.
4. The Special Officer,  
No. 273, Valadi Primany Co-operative Credit Society Ltd.,  
Valadi Post, Lalgudi Taluk.

+1cc to M/S.M.R.SREENIVASAN, ADVOCATE SR.No. 54952

+1cc to M/S.THE SPECIAL GOVERNMENT PLEADER, SR NO:55185

mj

JA-CK-SAR.I/13.10.2016-3P:7C

W.P (MD) No. 18075 of 2016

22.09.2016