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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2017

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD) No.25102 of 2016

K.Ramasubbu

.. Petitioner

Vs.

1.The Revisional Authority,

Under the Tamil Nadu Cooperative Societies Act,
(Joint Registrar of Cooperative Societies),
Collectorate Building,
Sivagangai District.

2.The Joint Registrar/Managing Director,

Sivagangai District Central Cooperative Bank Limited,
Gandhi Street, Sivagangai District.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorari calling for the records on the file of the first respondent passed in Na.Ka.No.6195 of 2015 Sa.Pa, dated 21.4.2016 and to quash the same.

For Petitioner : M/s.V.O.S.Kalaiselvam

For Respondents : Mr.S.Satheesh Kumar
Addl.Govt.Pleader.

O R D E R

This writ petition has been filed, seeking for issuance of a writ of Certiorari calling for the records on the file of the first respondent passed in Na.Ka.No.6195 of 2015 Sa.Pa, dated 21.4.2016 and to quash the same.

2.Mr.S.Satheesh Kumar, learned Additional Government Pleader takes notice for the respondents. By consent of both parties, the main Writ Petition is taken up for final disposal at the stage of admission itself.

3.The Petitioner has come forward with this Writ Petition challenging the order, dated 21.4.2016 rejecting the request of the Petitioner that the punishment of stoppage of one increment with cumulative effected as early as on 16.12.1999 and that the Petitioner should have filed a revision under Section 133 of the Co-operative Societies Act within a period of 90 days and that the Petitioner has approached the authority concerned after 15 years and hence the Petitioner's request cannot be entertained and finally rejected the request of the Petitioner.



4. According to the Petitioner, as the punishment was imposed without conducting any enquiry, he has filed a petition before the Labour Court in C.P.No.119 of 2013 and in para 5 of the counter, the respondent has stated that the punishment has been imposed on the Petitioner and that a revision will only lie under Section 133 of the Co-operative Societies Act and the Petition before the Labour Court was not maintainable. The Petitioner would further submit that only based on the counter, he has taken a decision to approach the authority under Section 133 of the Cooperative Societies Act. He would further submit that the claim petition is pending. The Petitioner on his own ought to have approached the authorities concerned, in terms of the provisions of the Co-operative Societies Act. They need not wait for counter being filed and based on which plea, the Petitioner cannot state that he has approached the authorities concerned. As there is a delay in approaching the authorities, which is more than 15 years and that the authorities have rightly rejected the request of the Petitioner by the order impugned herein, this Court is not inclined to interfere with the same.

5. In view of the above reasonings, the writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To:

1. The Revisional Authority,
Under the Tamil Nadu Cooperative Societies Act,
(Joint Registrar of Cooperative Societies),
Collectorate Building,
Sivagangai District.
2. The Joint Registrar/Managing Director,
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Gandhi Street, Sivagangai District.

+1cc to Mr.V.O.S.Kalaiselvam, Advocate in SR No.281

W.P. (MD) No.25102 of 2016
02.01.2017

vsn

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