

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.04.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8814 of 2018

C.Anbazhagan

.. Petitioner

Vs

1.The Joint Registrar of Co-operative Societies,
Villupuram Region,
Villupuram.

2.The President,
Kazhumaram Primary Agricultural Co-operative
Loan Society Ltd,
Kazhumaram Post,
Thirukovilur,
Villupuram

..Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned order passed by the 1st respondent in his proceedings No.A.Thi.MU.No.6240/2017/Sa.Pa, dated 05.02.2018 and to quash the same as being illegal and unsustainable in law and consequentially direct the 1st respondent to taken on the petitioner's revision petition dated 12.12.2017.

For Petitioner : M/s.N.Kavitha Rameshwar

For Respondents: Mr.L.P.Shanmugasundaram

सतयमेव जयते
O R D E R

The relief sought for in this writ petition is to call for the records pursuant to the impugned order passed by the 1st respondent in proceedings dated 05.02.2018 and quash the same and to direct the 1st respondent to consider the Revision Petition dated 12.12.2017 on merits and pass orders.

2.The writ petitioner was employed as Salesman on daily wages and subsequently, his services were regularized with effect from 21.07.1996. The writ petitioner was promoted to the post of Clerk on 21.06.2006 and further, promoted to the post of Senior Clerk and to the post of Secretary with effect from 27.04.2014.

3.The grievances of the writ petitioner is that he was reverted from the post of Secretary to the lower post and challenging the same, earlier he filed W.P.No.4644 of 2016. This Court directed the writ petitioner to approach the competent authority under the provisions of the Tamil Nadu Co-operative Societies Act. Accordingly, the writ petitioner had filed a Revision Petition under Section 153 of the Tamil Nadu Co-operative Societies Act on 12.12.2017.

4.The learned counsel appearing on behalf of the writ petitioner states that the said Revision Petition was returned by the Joint Registrar of Co-operative Societies, Villupuram on the ground that the Revision Petition was filed beyond the period of limitation and also the required documents are not enclosed.

5.In respect of the original order of Reversion, the learned counsel for the petitioner states that the said original order was enclosed along with the writ petition before this Court and therefore, the petitioner has produced the Xerox copy of the Reversion order. As far as the limitation period is concerned, the writ petitioner earlier filed the writ petition and the same was pending before this Court in view of the fact that the order passed by this Court, the writ petitioner has to exhaust the remedy under the Tamil Nadu Co-operatives Act and the Revision Petition was filed and therefore, there is a delay in filing the revision petition and the delay was neither wilful nor wanted.

6.Under these circumstances, this Court is an opinion that the 1st respondent has to adjudicate the Revision Petition on merits and in accordance with law and by providing an opportunity to all the parties concerned under the provisions of the Section 153 of the Tamil Nadu Co-operative Societies Act.

7.In respect of the employees of the Tamil Nadu Co-operative Societies Act, the Revision under Section 153 is a valuable remedy and the same cannot be denied. The functions of the Joint Registrar under Section 153 is Quasi-judicial in nature and therefore, the Revision Petition filed under Section 153, ought to have been adjudicated on merits and even if there is some delay and if the same is explained properly by the Revision petitioner, then the competent authority shall condone the same. In the present case, the delay occurred on account of the pendency of the writ petition and the original copy of the Reversion order was not filed, the same was filed before this Court in the writ petition.

8.This being the factum of the case, the order impugned passed by the 1st respondent in proceedings No.A.Thi.Mu.No.6240/2017 Sa.Pa dated 05.02.2018 is quashed. The

1st respondent is directed to take the Revision Petition on file and adjudicate the matter on merits and in accordance with law by providing an opportunity to all the parties concerned and pass orders within a period of four months from the date of receipt of a copy of this order.

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

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

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To

1. The Joint Registrar of Co-operative Societies,
Villupuram Region,
Villupuram.

2. The President,
Kazhumaram Primary Agricultural Co-operative
Loan Society Ltd,
Kazhumaram Post,
Thirukovilur,
Villupuram

+1 CC to Mr. L.P. Shanmugasundaram, Advocate sr 27849.

+1 CC to Mr. N. Kavitha Rameshwar, Advocate sr 27038.

सत्यमेव जयते

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PVS (CO)
SP(10/05/2018)

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