

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2018

CORAM:

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

W.P.No.14185 of 2018

R.Pugalenth

... 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:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned order passed by the first respondent in his proceedings No.A.Thi.Mu.No.6198/2017/Sa.Pa dated 05.04.2018 and to quash the same as being illegal and unsustainable in law and to consequently, direct the first respondent to take on file the review petition dated 18.07.2016 and pass orders on the same on merits and in accordance with law.

For Petitioner : Mr.N.Kavitha Rameswar
For RR1 & 2 : Mr. LP.Shammugasundaram

ORDER

The case of the petitioner is that the review petition filed by the petitioner before the first respondent had been returned assigning the reasons that the original order was not filed and thereafter, the petitioner though made successive application to revisit the said order, and the last one was rejected being barred by limitation, he impugned the same in this writ petition, on the ground that such order is illegal, arbitrary, contrary to law and as such, he prays to quash the same and direct the first respondent to restore the review to file and pass the order on merit.

2.The learned counsel for the petitioner submits that since he had filed a review petition in time, which was returned on the ground that the original order of punishment was not filed and successive application in this regard was also returned, though the impugned order was very much available with the authority, thereafter, the successive application against the same to restore the said order, with all documents was dismissed on the ground of limitation, it appears to be non application of mind, and the same is liable to be quashed inasmuch as the same is illegal, arbitrary and contrary to law. Therefore, submits the learned counsel for the petitioner to set aside such order and direct the first respondent to restore the review to file and pass order on merit.

3. No counter affidavit has been filed. However, it is submitted by the learned Special Government Pleader for the respondents that since the prayer is made beyond the period of limitation, the authority could not have entertain the same hence, no interference is warranted in the impugned order.

4. Be that as it may, since the petitioner had filed the review petition, which was returned vide order dated 17.08.2016 by taking hyper technical approach that the original order was not filed though the same was available with the same authority, and successive application in this regard to entertain the same was not entertained and ultimately, the review petition last filed was rejected on the ground of limitation even though the major penalty of dismissal was imposed in the departmental proceeding against the petitioner, in the interest of justice, this Court is of the view that the impugned order cannot be sustained.

5. Accordingly, the impugned order is quashed and the first respondent/appellate authority is directed to entertain the review petition of the petitioner on receipt of the copy of this order and take a informed and considered decision on the same on merit within six weeks of such representation, in accordance with law. No costs.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

dn

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 M/s. N. Kavitha Rameswar, Advocate Sr.39768
+ 1 cc to Mr. L.P. Shanmugasundaram, Advocate Sr.40304
+ 1 cc to Mr. the Government Pleader Sr.40899

W.P.No.14185 of 2018

GJII (CO)
EU(20/07/2018)



WEB COPY