

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.08.2018
Coram

The Hon'ble Mr. Justice Satrugana Pujahari

Writ Petition No. 15182 of 2018

C.A. Rajendran

...Petitioner

Vs.

1. Joint Registrar of Co-operative Societies,
Nilgiri Region, Ootagamaund.

2. Aravenu Primary Agriculture Co-operative Credit
Society No. J 321,
Aravenu, Kothagiri,
Nilgiri District - 643 201.
rep by its President.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the first respondent in the Revision Petition dated 27.10.2017 to pass orders in the light of the decision reported in 1999(2) CTC 579, setting aside the order permanently removing the petitioner from service by the second respondent herein and reinstating the petitioner in service of the second respondent herein from 01.04.2006 with all the consequential and attendant monetary benefits and the payment of retirement benefits due to the petitioner on attaining superannuation on 31.08.2011 together with interest at the rate of 12% per annum.

For Petitioner : Mr. R. Jeyaram

For Respondents : Mr. L. P. Shanmugasundaram
Special Government Pleader (Co-op)

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O R D E R

Heard Mr. R. Jeyaram, the learned counsel appearing for the petitioner and Mr. L. P. Shanmugasundaram, the learned Special Government Pleader appearing on behalf of the respondents.

2. The grievance of the petitioner, in this Writ Petition is that though he has filed a Revision Petition before the first respondent on 27.10.2017, challenging his dismissal,

no order on the same has been passed yet. Aggrieved by such inaction on the part of the first respondent Revisional Authority in consideration of his Revision Petition, he has come to this Court by way of this Writ Petition seeking a direction to the first respondent Revisional Authority to dispose of such Revision Petition within a stipulated time.

3. The learned counsel appearing for the petitioner submits that since the petitioner has filed the Revision Petition, the first respondent is duty bound to pass an order on the same, but, has no right to sit over the same. Hence, the petitioner has filed this Writ Petition seeking the aforesaid relief.

4. The learned Special Government Pleader appearing for the respondents submits that the Revision Petition is hopelessly barred by limitation, and as such, the petitioner has no case.

5. Be that as it may, since the petitioner has filed Revision Petition and also stated to have given an explanation for such delay, the first respondent is duty bound to pass orders on the Revision Petition in the manner known to law and he cannot sit over the matter. Therefore, the first respondent having not passed any order on such Revision Petition, this Court allows this Writ Petition with a direction to the first respondent to consider and pass orders on the Revision Petition if the same has not been disposed of in the meanwhile, taking into consideration the facts and circumstances in which the delay stated to have occurred in the manner known to law within a period of six weeks from the date of receipt of the copy of this order. No costs.

Sd/-

Assistant Registrar (CS-IX)

// True Copy//

Sub Assistant Registrar

To

1. Joint Registrar of Co-operative Societies,
Nilgiri Region, Ootagamaund.

+1cc to Mr.L.P.Shanmugasundaram, Advocate SR.No.54413

+2 cc to Mr.R.Jayaraman, Advocate SR.No.53850

+1cc to Government Pleader SR.No.54286

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SMI/29.08.2018