

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2018

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

W.P. 32653 of 2018
and
W.M.P. 37864 of 2018

R.Parthasarathy

... Petitioner

Versus

1.The Cooperative Tribunal,
(Chief Judge, Court of Small Causes),
Chennai.

2. The Additional Registrar of
Cooperative Societies,
Chennai Region,
St. Marys Road,
Chennai-600 028.

3. The Managing Director,
George Town Cooperative Bank,
2-62, Krishnappa Agraharam Street,
Chennai-600 079.

...Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Prohibition, forbearing the 1st respondent herein from proceeding further on dealing with M.P.No. 202 of 2018 and the unnumbered C.M.A. Sought to be preferred by the 3rd respondent against the order dated 04.04.2018 by the 2nd respondent in R.C.No.1687/2014/C2 on his file.

For Petitioner

: Mr.B.Jeyaram

For Respondents

: Mr.L.P.Shanmugasundaram,
Special Government Pleader
for R1 and R2

No appearance for R3

ORDER

This Writ Petition has been filed seeking for a Writ of Prohibition, forbearing the 1st respondent from entertaining the appeal filed by the 3rd respondent under Sec.152 of the Tamil Nadu Cooperative Societies Act, 1983 (hereinafter called as 'Act').

2. The grievance of the petitioner is that, he was working as a General Manager in the 3rd respondent Cooperative Bank, and a disciplinary proceedings was initiated against him, and he was imposed with the penalty of stoppage of increment for 3 months without cumulative effect by an order dated 04.12.2017. Challenging the above order, the petitioner has filed a revision under Sec.153 of the Act before the 2nd respondent, and the 2nd respondent by an order dated 04.04.2018 has allowed the revision and modified the punishment. Challenging the said order, the 3rd respondent filed an appeal under Sec.152 of the Act before the 1st respondent. Now, challenging the same, the present Writ Petition has been filed by the petitioner.

3. Mr.R.Jeyaram, learned counsel appearing for the petitioner would contend that against the order passed under Sec.153 of the Act, and no appeal is maintainable under Sec.152 of the Act. Hence, the 1st respondent has no jurisdiction to entertain the appeal.

4. Mr.L.P.Shanmugasundaram, the learned Special Government Pleader appearing for the 2nd and 3rd respondents has fairly admitted that against the order passed under Sec. 153 of the Act, no appeal lies before the Tribunal under Sec.152 of the Act. If at all, the 3rd respondent has any grievance over the order passed by the 2nd respondent, he can only file a review under Sec.154 of the Act.

5. I have considered the rival submissions and perused the records carefully.

6. As rightly contended by the learned counsel appearing for the petitioner that against the order passed by the 1st respondent under Sec.153 of the Act, no appeal lies before the Tribunal, and the only remedy available is to challenge the order by way of filing review petition under Sec.154 of the Act, and the petitioner cannot maintain an appeal under Sec.152 of the Act.

7. In the said circumstances, the present Writ Petition is allowed and the 1st respondent is directed not to proceed further with the matter and return the appeal filed by the 3rd respondent. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

rpp

To

1.The Cooperative Tribunal,
(Chief Judge, Court of Small Causes),
Chennai.

2. The Additional Registrar of
Cooperative Societies,
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Chennai-600 028.

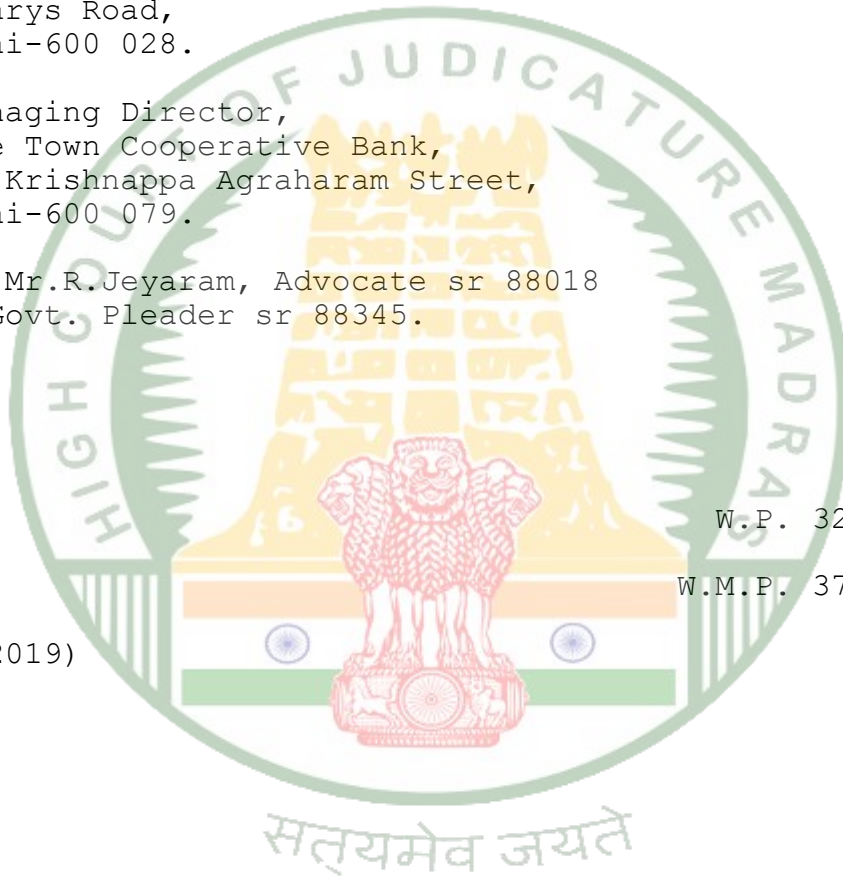
3. The Managing Director,
George Town Cooperative Bank,
2-62, Krishnappa Agraharam Street,
Chennai-600 079.

+2 Ccs to Mr.R.Jeyaram, Advocate sr 88018

+1 CC to Govt. Pleader sr 88345.

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SP(31/01/2019)



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