



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2018

CORAM :

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

**C.R.P. (PD) (MD) No.241 of 2018**

R.Cyril John Peter

.. Petitioner/Appellant

Vs.

The Deputy Registrar of Co-operative Societies,  
S.T. Hindu College Road,  
Beach Road Junction,  
Nagercoil.

.. Respondent/Respondent

PRAYER: Petition filed under Article 227 of the Constitution of India, to direct the learned District Judge, Kanyakumari District at Nagercoil to dispose of the Civil Miscellaneous Appeal (CS) in CMA.(CS)No.17 of 2016 within a time stipulated by this Court.

For Petitioner : Mr.R.Murugan

For Respondent : Mr.K.Anbarasan,

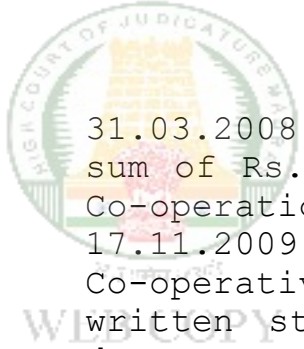
Additional Government Pleader

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### ORDER

This Civil Revision Petition has been filed seeking a direction to the District Judge, Kanyakumari District at Nagercoil to dispose of the Civil Miscellaneous Appeal (CS) in CMA.(CS)No.17 of 2016 within a stipulated time as fixed by this Court.

2.The petitioner would aver among other things that he is an employee of 943 Azhagiapandiapuram Primary Agricultural Co-operative Credit Society Ltd. He was appointed as a Salesman on 04.04.1988 and then as a Clerk on 01.01.1990 and promoted as Senior Clerk on 01.04.1997 and as Assistant Secretary on 01.07.2013 and Secretary on 01.02.2015. After 18 years of his promotion as Senior Clerk, an inspection under Section 82 of the Tamilnadu Co-operative Societies Act, 1983 was done by the respondent in his proceedings Na.Ka.2397/2013 Tho.ve.Sa dated 30.07.2014 and the inspection officer filed report on 07.11.2014 stating that promotion given to the petitioner as Senior Clerk from 01.04.1997 was irregular and pay fixed was against G.O.Ms.No.131 dated 04.06.1999 and recommended to recover Rs.3,96,560/- which was paid to the petitioner from 01.07.1997 to



31.03.2008 as excess and further recommended to recover another sum of Rs.91,576/- which was paid in contravention of G.O.No.189, Co-operation, Food and Consumer Protection Department, dated 17.11.2009 with 17.5% interest under Section 87 of the Tamilnadu Co-operative Societies Act, 1983. The petitioner submitted his written statement of defence on 18.06.2015 along with relevant documents, but the respondent ordered to recover the above amount as excess pay. Aggrieved by the said order, the petitioner herein has filed CMSA(C.S)No.17/2016 which is pending. The petitioner has filed this revision petition for early disposal of the said appeal.

3. Heard the learned Counsel on either side and perused the materials available on record.

4. The prayer in this petition itself is with a limited scope for speedy disposal of the Civil Miscellaneous Appeal.

5. Considering the circumstances of the case and considered the fact that the case is of the year 2016 without adverting to the merits of this case, this Court is of the view that the interest of justice would be sub-served, if a direction is issued to the learned Trial Court to dispose of CMA.No.17 of 2016 within a stipulated time limit.

6. In the result, the learned District Judge, Kanyakumari District at Nagercoil, is directed to dispose of the Civil Miscellaneous Appeal (CS) in CMA.(CS)No.17 of 2016, on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order.

7. This Civil Revision Petition is ordered accordingly. No costs.

Sd/-  
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

The District Judge,  
Kanyakumari District at Nagercoil.

+ 1 cc TO Mr.R.Murugan , Advocate in SR No. 49878

rm

AE/SV MMS/SAR3/15.03.2018/2P/3C

<https://hcservices.ecourts.gov.in/hcservices/>

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