



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2018

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P(MD)No.9792 of 2018

and

W.M.P. (MD) .No.8986 of 2018

A.Shanmugam

.. Petitioner

Vs.

The Joint Registrar / Managing Director,
Tiruchirapalli District Central Co-operative
Bank Limited,
Trichy -2.

.. Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the respondent in proceedings No.3936/05(C3) A-10, dated 27.07.2017, and quash the same as arbitrary, illegal, unconstitutional and consequently direct the respondent to grant all service and other attendant benefits forthwith to the petitioner.

For Petitioner : Mr.S.Balamurugan

For respondent : Mr.D.Shanmuga Raja Sethupathi,
Government Advocate

ORDER

Heard Mr.S.Balamurugan, learned counsel for the petitioner and Mr.D.Shanmuga Raja Sethupathi, learned Government Advocate appearing for the respondent.

2. The petitioner has filed this writ petition challenging an order passed by the respondent imposing a penalty on the petitioner. Admittedly, as against the impugned order, the petitioner has an effective alternative remedy of filing a revision petition before the Joint Registrar of Co-operative Societies, Trichy. In my considered opinion, the said remedy is not only an effective remedy but also an efficacious remedy. That apart, the revisional authority would be able to re-appreciate the factual position and take a decision in this



matter, which will not be normally done by a Writ Court.

3. The learned counsel for the petitioner would submit that the petitioner is willing to file a revision petition before the Joint Registrar, however, if such petition is filed, as on date, it would be barred by limitation.

4. I have heard the learned counsel for the respondent on the above said submission.

5. Considering the fact that a penalty ie., stoppage of increment for two years with cumulative effect, has been imposed on the petitioner, this Court is inclined to grant some time to the petitioner to file a revision before the concerned Joint Registrar.

6. Accordingly, this writ petition stands disposed of by directing the petitioner to file a revision petition before the Joint Registrar of Co-operative Societies, Trichy, within a period of 15 days from the date of receipt of a copy of this order. If such revision is filed, the Joint Registrar of Co-operative Societies, Trichy shall entertain the same without rejecting the same on the ground of limitation and take a decision on merits and in accordance with law. The petitioner is entitled to file an application for stay before the revisional authority. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

1. The Joint Registrar / Managing Director,
Tiruchirapalli District Central Co-operative Bank Limited,
Trichy -2.

2. The Joint Registrar of Co-operative Societies,
Trichy.

+ 1 cc TO Mr.S.Balamurugan , Advocate in SR No. 64535

+ 1 cc TO Mr.D.Shanmugaraja Sethupathi, Advocate in SR No. 63908

gcg

AE/RSK/SAR1/16.05.2018/2P/5C

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ORDER MADE IN
W.P(MD) No.9792 of 2018
27.04.2018