

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.A. No. 1609 of 2013

R. Pazhamalai

.. Appellant/Petitioner

Vs.

1. The Joint Registrar of Cooperative Societies
Villupuram Region, Villupuram,
Villupuram District.
 2. The Special Officer,
Peramandur Primary Agricultural
Coop. Credit Society, Peramandur & Post,
Tindivanam Taluk,
Villupuram District
- Respondents/Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 12.04.2012 in W.P. No. 8117 of 2008 on the file of this Court.

Prayer in WP. 8117 of 2008: Writ Petition filed under Article 227 of Constitution of India, seeking for a Writ of Certiorarified Mandamus to calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings No.Na.Ka.1897/2008/Sa.Pa dt 17.3.2008 and quash the same and consequently directing the respondents to disburse the terminal benefits of the petitioner like provident fund and gratuity and other benefits to the petitioner.

For Appellant : Mr.C. Prakasam
For Respondents : Mr.L.P. Shanmugasundaram,
Special Government Pleader
(Cooperative Societies)

JUDGMENT

(Delivered by M.M.Sundresh,J.)

By the impugned order, the revision filed by the appellant was rejected by the first respondent on the ground of delay and non-compliance of affixing the adequate fee.

2. As held by this Court, the provision dealing with delay is directory, but not mandatory and, therefore, power is available to condone the delay. If once that decision is affirmed, this Court can exercise such power under Article 226 of the Constitution of India.

3. In such view of the matter, while setting aside the order of the learned Single Judge, the impugned order passed by the first respondent also stands set aside with the liberty to the appellant to re-present the papers after complying with the other requirement of payment of Rs. 100/- as fee.

4. Accordingly, the writ appeal stands allowed. The appellant is directed to submit the papers within a period of four weeks from the date of receipt of a copy of this order after paying the requisite fee. As and when the revision is filed, the respondents shall decide it in accordance with law without rejecting the plea on the ground of limitation and dispose of the revision within a period of three months from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

ssm

To

1. The Joint Registrar of Cooperative Societies
Villupuram Region, Villupuram,
2. The Special Officer, सतयमेव जयते
Peramandur Primary Agricultural
Coop. Credit Society, Peramandur & Post,
Tindivanam Taluk,
Villupuram District

+1cc to Mr.C.Prakasam, Advocate, S.R.No. 4254
+1cc to Mr. L.P.Shanmugasundaram, Advocate, S.R.No. 3646
+1cc to the Government Pleader, S.R.No. 3992

W.A. No. 1609 of 2013

SSV(CO)
GN(19/02/2019)