

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2019

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.4614 of 2019
and W.M.P.No.5219 of 2019

K.Narayanan

...Petitioner

Vs

1.The Joint Registrar of Co-operative Societies,
Vellore Zone, Vellore-632 009.

2.The Management,
Vellore District Central Co-operative Bank Limited,
No.1, Officers Lane,
Vellore-632 001.

...Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, after calling for the concerned records from the first respondent, quash the order of the first respondent dated 25.10.2018 bearing Na.Ka.No.5123/2015 A2 and consequently direct the first respondent to entertain the review petition dated 27.07.2018 preferred by the petitioner under Section 154 of the Tamil Nadu Co-operative Societies Act, on file and decide the same after giving due opportunity to the petitioner and pass orders on the same on its merits and in accordance with law within the time frame stipulated by this Court.

For Petitioner : Mr.Balan Haridas

For Respondents: Mr.L.P.Shanmugasundaram,
Special Govt.Pleader

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2.The petitioner joined the second respondent bank on 10.10.2008 as Assistant. The case of the petitioner is that he filed a review petition along with a condone delay petition

against the order of rejection, passed in Revision Petition No.16 of 2013 dated 14.01.2015 in respect of the punishment imposed on the petitioner relating to the alleged illegal withdrawal of money from an inoperative account maintained in the second respondent bank, but without considering any of the grounds raised by the petitioner, the said review petition was returned on the ground that the same has been filed beyond three years.

3. According to the petitioner, the review petition cannot be returned for the aforesaid reason. The petitioner has filed the review petition along with condone delay petition and therefore, the authority has to first consider the condone delay petition on merits, but without considering the reasons stated in the condone delay petition, the impugned order has been passed and hence the same is illegal and without any justification, according to the petitioner.

4. Mr. L.P. Shanmugasundaram, learned Special Govt. Pleader, took notice for the respondents and submitted that the first respondent has only returned the review petition filed by the petitioner for which the petitioner has to re-present the review petition along with the condone delay petition and satisfy the authorities that the delay condone petition is maintainable. But instead of doing so, the petitioner has straightaway approached this Court by way of filing this writ petition. He also fairly submitted that in the event, the petitioner re-presents the review petition along with the condone delay petition, the first respondent will consider the same in the light of the judgment of this Court in N.P. Palanisamy vs. State of Tamil Nadu, rep. by its Secretary to Government, Food Co-operation Department and others, reported in 2012 (4) CTC 257.

5. Considering the above submissions made, it is open to the petitioner to re-present the papers giving explanations that the condone delay application is maintainable, in the light of the judgment of this Court reported in 2012(4) CTC 257. In the event the petitioner re-presents the review petition along with condone delay petition giving proper explanations to the first respondent and if the first respondent is satisfied with the same, the application for condoning the delay can be entertained and the matter be disposed of on merits and in accordance with law, in the light of the judgment of this Court in N.P. Palanisamy vs. State of Tamil Nadu, rep. by its Secretary to Government, Food Co-operation Department and others, reported in 2012 (4) CTC 257.

6.With the above observation, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

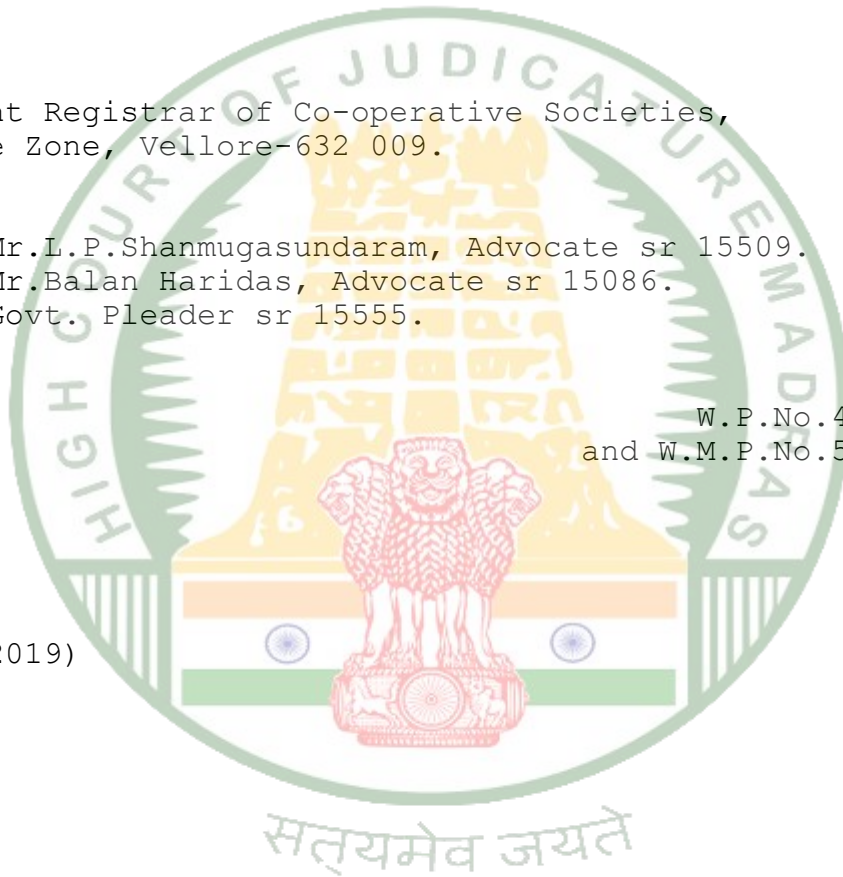
KM
To

1.The Joint Registrar of Co-operative Societies,
Vellore Zone, Vellore-632 009.

+1 CC to Mr.L.P.Shanmugasundaram, Advocate sr 15509.
+1 CC to Mr.Balan Haridas, Advocate sr 15086.
+1 CC to Govt. Pleader sr 15555.

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VBA (CO)
SP(15/03/2019)



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