

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.33126 of 2012

S.Subramanian

..Petitioner

Vs.

1. The Joint Registrar of Coop. Societies
Villupuram Region, Villupuram,
Villupuram District.

2.The Special Officer,
Vilandhai Primary Agricultural Coop.
Credit Society, Vilandhai,
Tirukoilur Taluk,
Villupuram District.

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.5541/2012/Sa.Pa, dated 01.10.2012 and quash the same and consequently direct the 1st respondent to entertain the revision filed by the petitioner u/s.153 of Tamil Nadu Coop. Societies Act on 04.09.2012.

For Petitioner : Mr.C.Prakasam

For R-1 : Ms.T.Girija
Government Advocate

For R-2 : Mr.L.P.Shanmuga Sundaram
Special Govt. Pleader

O R D E R

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.5541/2012/Sa.Pa, dated 01.10.2012 and quash the same and consequently direct the 1st respondent to entertain the revision filed by the petitioner u/s.153 of Tamil Nadu Coop. Societies Act on 04.09.2012.

2. According to the petitioner, while he was working as salesman in the 2nd respondent Co-operative Society, he was orally terminated by the 2nd respondent on 12.07.2004. In spite of his request to furnish a written order of termination, the 2nd respondent refused to furnish any order of termination. While so, the petitioner filed revision before the 1st respondent challenging the order of oral termination. The 1st respondent, rejected the revision on the ground that the petitioner has not produced the original order of termination. Hence, the petitioner has come out with the present writ petition.

3. Heard the learned counsel for the petitioner as well as learned Special Government Pleader and Additional Government Pleader appearing for the respondents and perused the entire materials available on record.

4. From the materials available on record, it is seen that the action of the first respondent rejecting the revision on the ground that the petitioner failed to produce the original order of termination alongwith revision petition is erroneous when the petitioner's specific case is that he was orally terminated and no order of termination was given in writing.

5. In the above facts and circumstances, the petitioner is directed to re-submit the revision to the 1st respondent within a period of four weeks from the date of receipt of a copy of this order. On filing of such revision by the petitioner, the 1st respondent is directed to dispose of the same, on merits and in accordance with law, within a period of four weeks thereafter, after giving opportunity to the petitioner.

4. In the result, this writ petition is allowed. No costs.

-s/d-

सत्यमेव जयते
Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

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To

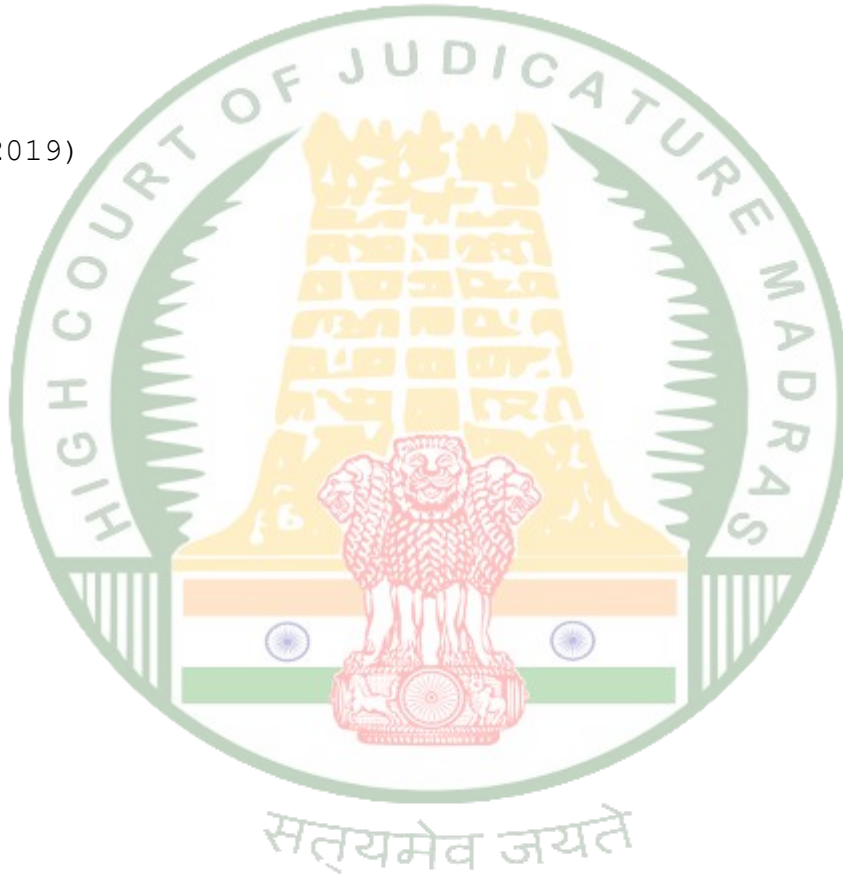
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+1 CC to Mr.C.Prakasam, Advocate sr 51598.
+1 CC to Spl. Govt. Pleader(Co OP) sr 52359.

W.P.No.33126 of 2012

PM(CO)
SP(11/07/2019)



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