

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.7952 of 2019

R.Elangovan ... Petitioner
Vs.

1.The Regional Joint Registrar
of Co-operative Societies,
Villupuram.

2.The Managing Director,
Villupuram District Central
Co-operative Bank Ltd.,
Villupuram. ... Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Certiorarified Mandamus to call for the records on the file of the respondents relating to the impugned order bearing Aa.Thi.Mu.No.3572/2015/Su.Pa, dated 13.07.2015 of the first respondent and quash the same and direct the first respondent to adjudicate the Review Petition on merits as per Section 154 of Tamil Nadu Co-operative Societies Act, 1983.

For Petitioner : Mr.A.S.Thambusamy

For Respondents : Ms.T.Girija
Government Advocate for R1

Mr.L.P.Shanmugasundaram
Special Government Pleader for R2

O R D E R

The prayer in the Writ Petition is for issuance of Writ of Certiorarified Mandamus to quash the impugned order dated 13.07.2015 and for a direction to the first respondent to adjudicate the Review Petition on merits as per Section 154 of Tamil Nadu Co-operative Societies Act, 1983.

2. The case of the petitioner is that while he was working as Cashier in the second respondent-Bank, he was issued with charge memo and was placed the petitioner under suspension by an order dated 13.02.2012, alleging that he caused loss to the tune of Rs.1,00,000/- to the Bank and thereafter, he was dismissed from service. As against the order of dismissal, the petitioner preferred a Review Petition before the first respondent. The first respondent, vide order dated 31.10.2014, set aside the charge sheet dated 29.12.2011 itself and further ordered stoppage of increment for a period of two years with cumulative effect and also ordered no back wages for the period from the date of dismissal to the date of reinstatement and also should not claim salary and other benefits for the period of non-employment. According to the petitioner, when the charge sheet itself was set aside, the first respondent erroneously ordered three punishments and no order was passed in respect of the suspension from 13.02.2012 to 13.05.2013. Therefore, he preferred a Review Petition on 22.01.2015 under Section 154 of the Tamil Nadu Co-operative Societies Act, however, the said Review Petition was dismissed on the ground of delay. Hence, the present Writ Petition.

3. According to the learned Government Advocate appearing for the respondents that the petitioner approached the first respondent beyond the prescribed period of 90 days and hence, it was dismissed. Further, the petitioner has approached this Court against the dismissal of Review Petition with an inordinate delay of 4 years, i.e., challenging the impugned order passed in the year 2014, filing this Writ Petition in the year 2019. Hence, the Writ Petition is not maintainable on the ground of delay.

4. It is not in dispute that the petitioner was dismissed from service by the second respondent and on appeal, the first respondent, vide order dated 31.10.2014, reinstated the petitioner in service. The main contention of the learned counsel for the petitioner is that though the first respondent reinstated the petitioner in service, he erroneously ordered three punishments and no order was passed in respect of suspension period from 13.02.2012 to 13.05.2013 and hence, he filed a Review Petition on 02.02.2015 and the same was returned to rectify defects. After rectification, when the petitioner approached the first respondent, it was returned on the ground of time barred. As rightly contended by the learned Government Advocate that the petitioner approached the first respondent beyond the prescribed period of 90 days, hence, it was rightly rejected. Further, this Court is of the view that the petitioner has approached this Court with an inordinate delay of 4 years and admittedly, the petitioner has not adduced any reasons in

the affidavit for the inordinate delay in filing the Writ Petition.

5. Considering the above fact, this Court is not inclined to entertain the Writ Petition as the petitioner approached this Court with an inordinate delay of four years. Therefore, the Writ Petition is liable to be dismissed on the ground of delay in laches. In fine, the Writ Petition, stands dismissed. There is no order as to costs.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

r n s
To

1.The Regional Joint Registrar
of Co-operative Societies,
Villupuram.

2.The Managing Director,
Villupuram District Central
Co-operative Bank Ltd.,
Villupuram.

+1 CC to Govt. Pleader sr 28008.

+1 CC to Mr.A.S.Thambusamy, Advocate sr 28206.

W.P.No.7952 of 2019

SP(25/04/2019)

WEB COPY