

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :23.09.2019
CORAM
THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No. 16027 of 2019

A.Lourdu Jeyarani

..Petitioner

Vs

1. The Additional Registrar of Cooperative Societies,
Chennai Region, No.91, St. Mary's Road,
Abiramapuram, Chennai - 18.

2. The Deputy Registrar of Cooperative Societies,
(Credit), 3rd Floor, Kuralagam,
Chennai - 108.

3. The President,
Chennai - Kancheepuram and
Thiruvallur District Anganvadi Workers
Cooperative Thrift and Credit Society Ltd., XC - 253,
Chepauk, Chennai - 5.

... Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ order or direction
in the nature of writ of Mandamus, directing the 1st respondent
to dispose the Statuary Revision filed under Section 153 of
Tamil Nadu Co-operative Societies Act, 1983 by the petitioner on
08.04.2019 within a stipulated time as this Court may fix.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.L.P.Shanmugasundaram,
1 & 2 Special Government Pleader (Co-op)
Mr.L.Chandra Kumar for R3

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O R D E R

The prayer sought for herein in this Writ Petition is for
issuance of a Writ of Mandamus, directing the 1st respondent to
dispose the Statuary Revision, filed under Section 153 of Tamil
Nadu Co-operative Societies Act, 1983 by the petitioner on
08.04.2019 within a stipulated time as this Court may fix.

2. The case of the petitioner is that the petitioner was appointed as Clerk cum Accountant in the 3rd respondent Society. While the petitioner was discharging her duties as Accountant, he was suspended from service on 03.02.2014 for the alleged charges on filmsy grounds that the petitioner not properly discharged her duties, but no subsistence allowances were paid from the date of suspension. The 3rd respondent appointed a domestic Enquiry Officer to enquire the charges on the petitioner and the Enquiry Officer filed his report before the 3rd respondent. On the basis of the said enquiry report, the 3rd respondent passed termination order on 28.07.2014.

3. Challenging the said termination order, the petitioner approached the 1st respondent and filed Revision Petition under Section 153 of Tamil Nadu Co-operative Societies Act, but the same was rejected by the 1st respondent on the ground that the petitioner revision has been filed beyond 90 days i.e., barred by limitation. In this connection, the 1st respondent passed orders in his proceedings Na.Ka.No.9317/2014/E2, dated 09.12.2014. Challenging the same, the petitioner has preferred a Writ Petition and the same has been disposed and directions was issued to the first respondent to consider the Revision Petition filed by the petitioner. Pursuant thereto, the 1st respondent considered the Revision Petition and passed order on the same. Based on the said order, the third respondent finally passed an order of termination on 30.11.2015.

4. Against which, the petitioner approached the 1st respondent and preferred Statutory Revision under Section 153 of Tamil Nadu Cooperative Societies Act finally the 1st respondent passed orders in his proceedings Na.Ka.No. 7686/2015/E2, dated 19.09.2016 whereby setting aside the order of termination and modified the punishment by way of stoppage of seven years increment cut with cumulative effect. After getting orders from the 1st respondent, the petitioner approached the 2nd and 3rd respondents and made request to reinstatement into service by complying with the order passed by the 2nd and 3rd respondents. Even though the petitioner made written representation on 24.10.2016, the 2nd and 3rd respondents have not passed any orders and not implement their own higher officials order their actions are attracted under Sections 155 and 157 of Tamil Nadu Co-operative Societies Act. Thereafter, the petitioner approached this Court by way of Writ Petition to direct the 2nd and 3rd respondents to reinstate the petitioner in the post of Clerk cum Accountant in the 3rd respondent society by giving all monetary benefit and continuity of service together with balance subsistence allowance arrears by implementing the order of the 1st respondent. The said Writ Petition also ordered by this Court. In the meantime, the 2nd and 3rd respondents have filed

Review Petition before the 1st respondent and 1st respondent without giving any opportunity modified the earlier order dated 19.09.2016, by enhancing the punishment of termination in proceedings Na.Ka.668/2017/E2, dated 29.06.2017 and confirmed the order of the Third Respondent termination. Challenging the said proceedings, the petitioner has filed a Statutory Revision for payment of salary arrears for the period from 01.08.2008 to 30.11.2015 and disburse the same. Since the Statutory Revision Petition has not been considered by the 1st respondent till date, the petitioner filed this Writ Petition.

5. The learned counsel for the petitioner would submit that it would be suffice, if this Court issues a direction to the 1st respondent to consider the petitioner's Statutory Revision filed under Section 153 of Tamil Nadu Co-op Societies Act, 1983 by the petitioner on 08.04.2019 within a stipulated time frame fixed by this Court.

6. The learned Special Government Pleader for the respondents 1 and 2 conceded to the request made by the learned counsel appearing for the petitioner.

7. Without expressing any opinion on merits, I am inclined to issue a direction to the first respondent to dispose of the Writ Petitioner's Statutory Revision Petition within a period of six weeks from the date of receipt of a copy of this order.

8. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

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सत्यमेव जयते
Sub Assistant Registrar

kmm

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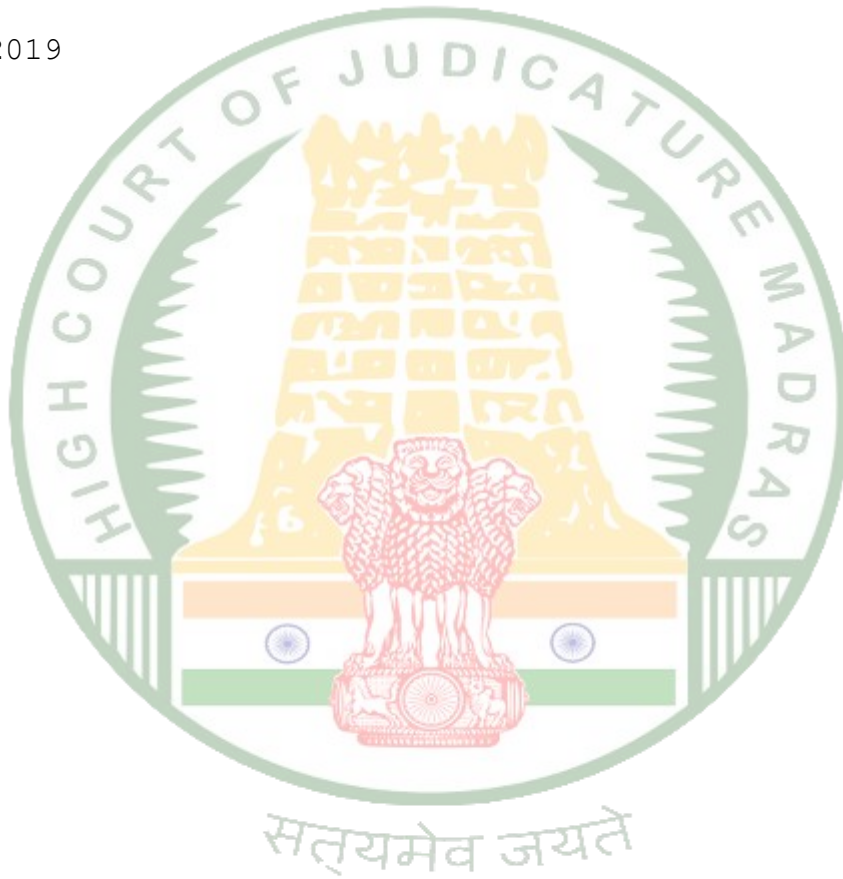
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+1cc to Mr.C.Prakasam, Advocate sr.82180
+1cc to Mr.L.Chandrakumar, Advocate sr.81733
+1cc to Government Pleader SR.NO. 82268

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