



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATED : 22.08.2019

CORAM:

THE HONOURABLE Dr. JUSTICE VINEET KOTHARI

AND

THE HONOURABLE Mr. JUSTICE S.M. SUBRAMANIAM

W.A. (MD) No. 485 of 2011

M. Jeyachandran

.. Appellant

Vs.

1. The Secretary to Government,
Cooperation,
Food and Consumer Protection,
(CR) Department,
Fort St. George, Chennai - 9.

2. The Additional Registrar,
(Marketing Plan & Development)
(Full Additional Charge),
Office of the Registrar of Cooperatives Societies,
Chennai - 10.

3. The Joint Registrar / Special Officer,
Sivagangai District Central Cooperative Bank Ltd.,
Sivagangai.

.. Respondents

PRAYER: Appeal filed under Clause 15 of Letters Patent Act, against the order dated 01.12.2010 passed by the learned Single Judge of this Court in W.P. (MD) No. 4695 of 2009.

Prayer in WP (MD) . 4695/ 2009 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, calling for the entire records of the 3rd respondent in Na.Ka.6846/2003-04/R-1/E-1 dated 14.2.2004 and that of the proceedings of the 2nd respondent in Order No.69385/2004 Sapa 1 dated 11.4.2005 and that of the 1st respondent in his proceedings G.O.(D).No.311 dated 28.8.2006 and that of the 3rd Respondent in Na.Ka.No.424/2006/E1 dated 22.10.2008 and quash the same consequently directing the respondents to disburse the pay salary from the date of suspension to the date of superannuation with all attendant benefits thereon and direct the respondents to disburse the retirement benefits.

For Appellant :: Mr.M.Jeyachandran

For Respondents :: Mr.N.Shanmuga Selvan, AGP for R1 and R2

No appearance for R3

**JUDGEMENT**

(Judgement of the Court was delivered by Dr.VINEET KOTHARI,J.)

The present Writ Appeal is directed against the order dated 01.12.2010 passed by the Learned Single Judge whereby the learned Single Judge observed that the Writ petition filed challenging, the impugned penalty passed against the appellant / petitioner, removing him from service, was not maintainable as the appellant / petitioner had an effective alternative remedy available to him by way of revision before the concerned Revisional Authority under the Act. The learned Single Judge has relied upon the Larger Bench decision of this Court in the case of **Marappan.K. Vs. The Deputy Registrar of Cooperative Societies, Namakkal (2006(4) SCC 689)**.

2.Having heard the learned counsel for the parties we are satisfied that no interference with the impugned order of the Learned Single Judge is called for and the appellant / petitioner should avail the regular remedy by way of revision before the concerned Revisional Authority. However, in view of long lapse of time due to the appellant / petitioner pursuing the Writ jurisdiction before this Court, we are inclined to condone the delay that would arise in filing the revision petition and we permit the appellant / petitioner to file revision before the Revisional Authority, within a period of 30 days from today and the concerned Revisional Authority will not raise any objection on the ground of limitation and shall decide the review petition on merits and in accordance with law.

3.Accordingly, this Writ Appeal is disposed of. No costs.

Sd/-

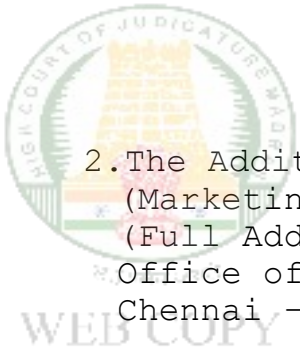
Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Secretary to Government,
Cooperation,
Food and Consumer Protection,
(CR) Department,
Fort St. George,
Chennai - 9.



2.The Additional Registrar,
(Marketing Plan & Development)
(Full Additional Charge),
Office of the Registrar of Cooperatives Societies,
Chennai - 10.

3.The Joint Registrar / Special Officer,
Sivagangai District Central Cooperative Bank Ltd.,
Sivagangai.

+1 CC to Mr.D. SHAN MUGHA RAJA SETHUPATHI, Advocate SR-83423.
+1 CC to Mr.R. DEVA RAJ, Advocate SR-83683.

W.A. (MD) No.485 of 2011
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CS(13.09.2019) 3P 6C