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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2020

CORAM :

THE HON'BLE MR.A.P.SAHI, THE CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

CMP.NO.4300 OF 2020
AND WA.NO. SR 2603 OF 2020

- 1.The Joint Registrar,
Vellore Region Co-operative Societies,
Vellore.
- 2.The Special Officer,
Tirupathur Taluk Co-op. Marketing
Society Ltd., 71, Chairman Arumughanar
Road, Tirupathur,
Vellore District 635 601. ..Petitioners/Appellants

-vs-

G.Anandan ..Respondent/Petitioner

Petition filed under Section 5 of the Limitation Act to condone the delay of 355 days in filing the Writ Appeal against the order dated 11.01.2019 passed in W.P.No.10369 of 2013 on the file of this Court.

WP PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Certiorarified Mandamus praying to call for the records relating the proceedings issued by the 2nd respondent order dated 18.05.2010 and the order of the 1st respondent in Revision Petition No.10/2010 A2 in Na Ka 5428/10 A2 dated 28.02.2011 and to wash the same and consequently direct the Respondents herein to reinstate the Petitioner into Service with all consequential Service and amendant benefits.

For Petitioners	: Mr.L.P.Shanmugasundaram Spl.G.P.
For Respondent	: Mr.G.Sankaran



ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

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Heard learned counsel for the petitioners / appellants and learned counsel for the respondent petitioner.

2.This matter was heard by us on 17.07.2020 and we had posed certain questions on which the learned Special Government Pleader had sought time to seek further instructions. The learned Special Government Pleader has not been able to convince us or even point out any such error so as to find fault with the ultimate conclusion drawn by the learned Single Judge. The non-payment of subsistence allowance has accrued certain rights in favour of the respondent petitioner, which has been categorically recorded by the learned Single Judge.

3.We had posed a query to the learned counsel as to whether the respondent can be reinstated and placed under suspension with full subsistence allowance, to which course of action, the learned counsel for the appellants is not agreeable and to the contrary, still intends to take appropriate action in the matter. We do not find this stand of the appellants to be justified and in the absence of any satisfactory answer from the learned counsel for the appellants, we have no option but to uphold the judgment of the learned Single Judge.

The Writ Appeal fails and is hereby rejected. The delay condonation application is, accordingly, dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To

1.The Joint Registrar,
Vellore Region Co-operative Societies,
Vellore.



2.The Special Officer,
Tirupathur Taluk Co-op. Marketing
Society Ltd., 71, Chairman Arumughanar
Road, Tirupathur,
Vellore District 635 601.

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Copy to

The Sub Assistant Registrar,
Writ Section,
High Court, Madras 104.

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MG (CO)
KKV/08/09/2020