



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.12607 of 2020

(Through Video Conferencing)

L.Selvin

... Petitioner

Vs.

1.The Joint Registrar of Cooperative Societies,
Collectorate Office,
Nagercoil, Kanyakumari District.

2.The Cooperative Sub-Registrar/Enquiry Officer,
Y-25 Manakkavilai Primary Agricultural
Cooperative Credit Society Ltd.,
Manalickarai P.O-629 164
Kanyakumari District.

3.Y.25 Manakkavillai Primary Agricultural
Cooperative Credit Society,
Manakkavillai (PO)
Kanyakumari District-629 164

Represented by its Administrative Officer ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings of the 1st respondent dated 03.08.2020 in ந.க.எண்1848/2020/யு and quash the same and consequently direct the 1st respondent to take the revision filed by the petitioner on file and pass appropriate orders on the said revision within a time frame to be fixed by this Court.

For Petitioners

:Mr.J.Shenbagalingam

For Respondents

:Mr.S.Dhayalan

Government Government

ORDER

The challenge made in the writ petition is to the impugned proceedings of the 1st respondent dated 03.08.2020 and for a consequential direction to the 1st respondent to take the revision on file and pass appropriate orders.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents. By consent of both sides, this writ petition is taken up for final disposal.

3.The petitioner was appointed as Salesman on 12.06.1998 in Y-25 Manakkavilai Primary Agricultural Cooperative Credit Society. While so, he was kept under suspension on 27.03.2019 by the second respondent for the alleged charge of non supply of pesticides to



farmers. A disciplinary proceedings was conducted, pursuant to the said charge and ultimately, the petitioner was imposed with a punishment of stoppage of increment for a period of six months with cumulative effect and his suspension was revoked and he was reinstated into service on 06.02.2020. Against the said order of punishment, the petitioner preferred revision under Section 153 of the Tamil Nadu Cooperative Societies Act on 25.05.2020. The said revision has been rejected by the first respondent through the impugned order dated 03.08.2020 on the only ground of delay of 34 days. Challenging the same, this writ petition has been filed.

4. Heard the learned counsel for the petitioner, who would submit that, due to COVID-19 situation, the petitioner could not file the revision in time and moreover, the delay is only 34 days. Therefore, for the said reason, the main revision need not have been rejected by the first respondent. Therefore, the impugned order may be interfered with, he contended.

5. However, the learned Government Advocate, on instructions, would submit that, for the delay of 34 days, even no application has been filed by the petitioner explaining the reason for such a delay and without even filing a condone delay petition, the petitioner cannot expect that, his revision would be heard automatically unmindful of the delay. Therefore, the reason cited in the impugned order for rejecting the said revision of the petitioner is justifiable. Hence, the order impugned does not require any interference from this Court, he contended.

6. I have heard the said submissions made by the learned counsel for the parties.

7. No doubt, the revision admittedly has been filed before the first respondent with a delay of 34 days. In respect of filing a revision before the revisional authority under the said Act with delay, it is entertainable, provided if sufficient cause is shown by the revision petitioner by filing a condone delay petition under Section 5 of the Limitation Act, as has been held in number of cases by this Court.

8. In that view of the matter, since the petitioner could not file the revision in time, due to COVID-19 situation, such a ground taken or reason cited in the impugned order for rejecting the very revision of the petitioner itself, in the considered opinion of this Court, may not be justifiable. But, at the same time, in order to explain the reasons for delay, which includes the reason of COVID-19, the petitioner ought to have filed a separate application seeking to condone the delay under Section 5 of the Limitation Act.

9. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order:

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"That the impugned order is set aside and the matter is remitted back to the first respondent for reconsideration. In this context, the petitioner shall file an application to seek for condoning the delay under Section 5 of the Limitation Act and such application shall be filed by the petitioner along with a copy of this order and on filing of such condone delay application, the same shall be considered by the first respondent on merits and in accordance with law and ultimately if the delay of 34 days is condoned by the first respondent, of course, on the specific reason of COVID-19 situation, the main revision can be taken up and proceeded in accordance with law."

10. With these directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

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Sub Assistant Registrar(CS)

RR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Joint Registrar of Cooperative Societies,
Collectorate Office,
Nagercoil, Kanyakumari District.
- 2.The Cooperative Sub-Registrar/Enquiry Officer,
Y-25 Manakkavilai Primary Agricultural
Cooperative Credit Society Ltd.,
Manalickarai P.O. Kanyakumari District.
- 3.The Administrative Officer
Y.25 Manakkavillai Primary Agricultural
Cooperative Credit Society,
Manakkavillai (PO), Kanyakumari District.

+1CC to M/s.SPL GP,SR.No.18248 dated 28/09/2020

+1CC to Mr.J.Shenbagalingam,Advocate,SR.No.18144 dated 25/09/2020

W.P. (MD)No.12607 of 2020
25.09.2020

SS (CO)

KB(19.01.2021) 3P 6C

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