



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.9438 of 2015

S.Sethuraman

... Petitioner

-Vs-

1.Joint Registrar of
Co-operative Societies,
Madurai Region, Madurai.

2.The Special Officer,
Virudhunagar District,
Central Co-operative Bank Limited,
Virudhunagar.

3.The Deputy Registrar of
Co-operative Societies,
Aruppukottai,
Virudhunagar District

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent in Na.Ka.No.869/2015, dated 25.02.2015 and quash the same and consequently, allow the respondents to disburse the amount of Rs.2,63,040/- pertaining to the leave salary of the petitioner.

For Petitioner : Mr.K.Sekar

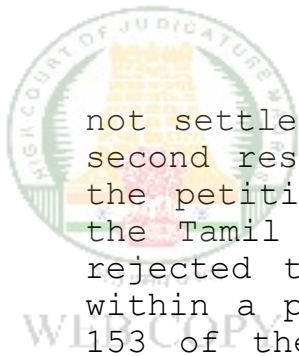
For Respondents : Mr.P.Mahendran
Additional Government Pleader
(for R1 & R3)

Mr.S.Seenivasagam (for R2)

ORDER

The impugned order rejecting the revision petition submitted by the petitioner in proceedings, dated 25.02.2015, is under challenge in the present writ petition.

2.The writ petitioner was employed in the Agricultural Primary Co-operative Society, Kattalaipatti, Virudhunagar District and retired from service. The grievance of the petitioner is that he is eligible for payment of leave salary and the said benefits are



not settled by the respondent/Bank. The petitioner approached the second respondent who in turn has not considered the same. Thus, the petitioner preferred a revision petition under Section 153 of the Tamil Naud Co-operative Socieites Act. The first respondent rejected the application on the ground that it was not restored within a period of 90 days and further, with reference to Section 153 of the Tamil Naud Co-operative Societies Act, only the non-monetary benefits claim alone can be entertained.

3.This Court is of the considered opinion that the revision petition is to be submitted within a period of 90 days and there is no doubt any. However, certain claims regarding the payment of monetary benefits can be entertained even after the completion of 90 days in view of the fact that it is a continuing cause of action. The reasons stated that the revision petition under Section 153 is not maintainable for non-monetary benefits is absolutely incorrect.

4.Section 153 of the Tamil Nadu Co-operative Societies Act contemplates that "The Registrar may of his own motion or on application, call for and examine the record of any office subordinate to him or of the board or any officer of a registered society or of the competent authority constituted under sub-Section (3) of Section 75 and the Government may, of their own motion or on application, call for and examine the record of the Registrar, in respect of any proceedings under this Act or the rules or the by-laws not being a proceeding in respect of which an appeal to the Tribunal is provided by sub-Section (1) of Section 152 to satisfy himself or themselves as to the regularity of such proceedings, or the correctness, legality or propriety of any decision passed or order made therein; and, if, in any case, it appears to the Registrar or the Governance that any such decision or order should be modified, annulled, reversed or remitted for reconsideration, he or they may pass orders accordingly:

Provided that every application to the Registrar or the Government for the exercise of the powers under this section shall be preferred within ninety days from the date on which the proceedings, decision or order to which the application relates was communicated to the applicant".

5.A perusal of the entire provision, it is clear that even the claim for monetary benefits are to be adjudicated by the competent authority under Section 153 of the Act. The power of the Registrar is delegated to the Regional Joint Registrars for the purpose of entertaining a revision petition under Section 153 of the Act. Thus, the reasons stated in the impugned order is perverse and inconsonance with the spirit of the provisions of the Tamil Nadu Co-operative Societies Act.



6. Accordingly, the impugned order passed by the first respondent is in proceeding Na.Ka.No.869/2015, dated 25.02.2015, is quashed. The first respondent is directed to take on file the revision petition filed by the petitioner under Section 153 of the Tamil Nadu Co-operative Societies Act and adjudicate the matter by providing an opportunity to all the parties concerned and dispose of the same on merits and in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. With these directions, the writ petition stands allowed. No costs.

Sd/-

Assistant Registrar(P & A)

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/ /2021

Sub Assistant Registrar(CS)

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To

1. Joint Registrar of
Co-operative Societies,
Madurai Region, Madurai.
2. The Deputy Registrar of
Co-operative Societies,
Aruppukottai,
Virudhunagar District.

W.P. (MD) .No.9438 of 2015
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SGS (CO)
TR(07.01.2021) 3P 3C