IN The HIGH COURT OF JUDICATURE AT MADRAS
DATED: 05.03.2021
CORAM:

The HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.5442 of 2021

K.Indirani ... Petitioner

-vs-

1.The President,
Mettur Factories Employees Co-operative Industrial,
Housing Society Ltd.,
K.K.128, No.7/174 A V.O.C.Nagar,
Thangamapuripatnam,
Mettur Dam R.S.2. Salem District.

2.The Joint Registrar (Housing),
O/o.The Deputy Registrar of Co-operative Societies (Housing),
4th Floor, District Collector Office Complex,
Salem-1.

3.The Registrar of Co-operative Societies,
No.170, N.V.Natarajan Maligai,
Periyar EVR High Road-Opp.Ega Cinima Hall,
Kilpauk, Chennai - 600 010. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents in particularly the third respondent to dispose of the petitioner's appeal/representation dated 09.05.2014 time limit fixed by this Court.

For Petitioner : Mr.Tamil Priyan
For Respondents: Mr.L.P.Shanmuga Sundaram,
Special Government Pleader

O R D E R

This Writ petition is filed, seeking a direction to the third respondent to dispose of the petitioner's appeal dated 09.05.2014 within a time limit fixed by this Court.

2.Mr.L.P.Shanmuga Sundaram, learned Special Government Pleader takes notice for the respondents. By consent, final orders are passed in the Writ Petition at the admission stage.

3. It is the case of the petitioner that she served as a Section Assistant in the O/o. the Deputy Registrar of Co-operative Societies (Housing) from 04.04.2017 to 03.04.2010.

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While in service, she was charged with the non supervising and negligence of her duty with regard to the housing loan sanctioned to one Palaniappan by which occurring loss to the Society. In this regard, the Joint Registrar initiated 17(b) proceedings of the Tamil nadu Civil Servants (Discipline and Appeal) Rules dated 28.03.2004 against the petitioner. Therefore, the petitioner preferred an Appeal dated 09.05.2014 to the third respondent. As there was no response, the petitioner is before this Court by filing the present Writ Petition, seeking aforesaid relief.

4. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's appeal is already pending with the 3rd respondent, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the 3rd respondent herein to consider the Appeal preferred by the petitioner dated 09.05.2014, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of 120 days from the date of receipt of a copy of this order;

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the 3rd respondent shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the appeal dated 09.05.2014 and this order, to the third respondent forthwith;

v) The third respondent is directed to communicate the decision taken on the appeal, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served

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for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The President,
Mettur Factories Employees Co-operative Industrial,
Housing Society Ltd.,
K.K.128, No.7/174 A V.O.C.Nagar,
Thangamapuripatnam,
Mettur Dam R.S.2. Salem District.

2.The Joint Registrar (Housing),
O/o.The Deputy Registrar of Co-operative Societies (Housing),
4th Floor, District Collector Office Complex,
Salem-1.

3.The Registrar of Co-operative Societies,
No.170, N.V.Natarajan Maligai,
Periyar EVR High Road-Opp.Ega Cinima Hall,
Kilpauk, Chennai - 600 010.

+1cc to Mr.G.Anbalagan, Advocate SR.NO..14326
+1cc to The Government Pleader SR.NO..14412

AKM/31.03.21/3P-6C/

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