

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.5005 of 2021

S.Radhakrishnan

... Petitioner

-vs-

1. The Deputy Registrar / Managing Director,
North Chennai Co-operative Wholesale Stores Ltd., (NOMCO),
No.58, Ibrahim Salai, Chennai-600 001.

2. The Additional Registrar of Co-operative Societies,
Chennai Zone,
No.91, St.Maris Road, Abiramapuram,
Chennai-600 018.

... Respondents

Prayer: Petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the 2nd Respondent to dispose of the petitioner's Revision Petition No.Na.Ka.4199/2020/E2.

For Petitioner : Mr.S.Pushpakaran

For Respondents: Mr.L.P.Shanmugasundaram

O R D E R

The petitioner has filed this writ petition, seeking a direction to the 2nd Respondent to dispose of his Revision Petition No.Na.Ka.4199/2020/E2.

2. Mr.L.P.Shanmugasundaram, learned counsel takes notice for the Respondents. By consent on either side, this Writ Petition is taken up for disposal at the stage of admission itself.

3. According to the petitioner, he was appointed as Salesman on 12.09.1984 and his name was entered as S.Ravichander in the school and other relevant records, which name has been duly entered in the Service Book also. It is the case of the petitioner that though his original name is S.Ravichander, he is known by his family name, i.e. S.Radhakrishnan. The petitioner, in order to avoid confusion, effected change of his name from S.Ravichander to S.Radhakrishnan, by following all the procedures, such as Gazette publication, etc. It is further case of the petitioner that on account of grudge and animosity, there was a complaint

of impersonation against him, which resulted in the conduct of enquiry and issuance of charge memo. Though he had sent a detailed explanation, not satisfied with the same, a departmental enquiry was conducted and on receipt of the report, he was terminated from service by the 1st respondent on 28.02.2020. It is also the case of the petitioner that aggrieved by the order of termination, he preferred revision before the 2nd respondent under Section 153(1) of the Tamil Nadu Co-operative Societies Act, 1983 on 17.07.2020. Since there was no progress in considering his revision even after a lapse of more than five months, he is before this Court, seeking for early disposal of the revision.

4. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's revision filed as early as on 17.07.2020 is pending with the 2nd respondent, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the 2nd respondent herein to consider the Revision Petition No.Na.Ka.4199/2020/E2, preferred by the petitioner, 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 two months 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 2nd 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 2nd respondent is directed to communicate the decision taken on the revision, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of 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 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)

//True Copy//

Sub Assistant Registrar

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+1cc to Mr.S.Pushpakaran, Advocate SR.No. 13541
+1 cc to Spl Government Pleader(Co.Op) Sr.No.13689

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SR II (CO)
A.SK(22.06.2021)



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