

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.7629 of 2021

K.Kavitha

... Petitioner

-vs-

1. The Joint Registrar of Co-operative Societies,
Erode Region,
Erode District.

2. The President,
K.864, Murali Chennampatty Primary Agricultural
Cooperative Credit Society Limited,
Murali Post - 638 504,
Anthiyur Taluk,
Erode District.

... Respondents

Prayer: Petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus to direct the 1st respondent to dispose the revision filed by the petitioner to challenge the order passed by the 2nd respondent dated 16.02.2018 within stipulated time fixed by this Honourable Court.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondents: Mr.L.P.Shanmugasundaram

सत्यमेव जयते

O R D E R

The petitioner has filed this writ petition seeking a direction to the 1st respondent to dispose of the revision filed by the petitioner to challenge the order passed by the 2nd respondent dated 16.02.2018.

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

3. According to the petitioner, She was appointed as Saleswoman on 25.02.2013 in the 2nd respondent Society and on 20.12.2016, she was suspended from service by the 2nd respondent and was issued with a charge memo, containing seven charges. Though she had send a detailed explanation, not satisfied with the same, a departmental enquiry was conducted and on receipt of the report, she was terminated from service by the 2nd respondent on 15.02.2018. It is the case of the petitioner that aggrieved by the order of termination, she preferred appeal/revision before the 1st respondent in the month of April, 2018. Since there was no progress in considering her appeal/revision even after a lapse of more than three years, she is before this Court, seeking for early disposal of the appeal/revision.

4. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's appeal/revision filed as early as in the month of April, 2018 is pending with the 1st respondent, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the 1st respondent herein to consider the appeal/revision preferred by the petitioner in 2018, 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 three 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 1st 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 1st respondent is directed to communicate the decision taken on the appeal/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-VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Joint Registrar of Co-operative Societies,
Erode Region,
Erode District.
2. The President,
K.864, Murali Chennampatty Primary Agricultural
Cooperative Credit Society Limited,
Murali Post - 638 504,
Anthiyur Taluk,
Erode District.

+1cc to Mr.R.Marudhachala Murthy, Advocate, S.R.No.21121

+1cc to Special Government Pleader(CO-OP), S.R.No.20780

W.P.No.7629 of 2021

PVS (CO)
CB(30/06/2021)

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