



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2021

CORAM:

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P(MD)No.5540 of 2021

K.M.Marikannu

...Petitioner

Vs.

1. The Joint Registrar of Co-operative Societies,
1st Floor Collector Office Campus,
Dindigul, Dindigul District.
2. The Deputy Registrar of Co-operative Societies,
Palani Circle,
No.10, R.S.Ramalingam Street,
Shanmugupuram, Palani,
Dindigul District.
3. The President,
A-951, K.Agraharam Primary Agricultural,
Co-operative Bank,
A.Kalaiyamputtur, Palani Taluk,
Dindigul District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation, dated 15.06.2020, seeking for review of the ex-parte order of dismissal from service, dated 11.01.2007, in the light of the order of acquittal in C.C.No.50/2008 on the file of the Judicial Magistrate No.3 (CCIW), Madurai, within the time that may be stipulated by the Court.

For Petitioner : Mr.S.Louis

For Respondents : Mr.P.Mahendran,
Additional Government Pleader

O R D E R

Heard Mr.S.Louis, learned counsel appearing for the petitioner and Mr.P.Mahendran, learned Additional Government Pleader appearing for the respondents.



2.The petitioner was dismissed from service on 11.01.2007, in view of his involvement in a criminal case. When he had approached the respondents seeking for reinstatement, the criminal case has been cited by them as an impediment. In this circumstances, the petitioner was acquitted from the criminal charges through the Judgment passed in C.C.NAO.50 of 2008, dated 13.11.2018, and thereafter, the petitioner had made a representation dated 15.06.2020. Since the representation was not considered in time, the writ petition has been filed. The representation itself is in the nature of revision under Section 153 of the Tamil Nadu Co-operative Societies Act.

3.The learned Standing counsel for the respondents raised his objection stating that there is no proper explanation for the latches on the part of the respondents. According to the learned Standing Counsel, since the dismissal order was passed in the year 2007 and the petitioner had made the representation only in the year 2020, the writ petition is liable to be dismissed for the delay of 13 years, in taking further steps.

4.It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, it would be appropriate to direct the first respondent herein to consider the petitioner's representation dated 15.06.2020, within a stipulated time and thereby the ends of justice could be secured. It is made clear that this Court has not expressed any of its view with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

6.Accordingly, there shall be a direction to the first respondent to consider the petitioner's representation dated 15.06.2020, on its own merits and pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



7. With the above direction, this Writ Petition stands disposed of. No costs.

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Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Co-operative Societies,
1st Floor Collector Office Campus,
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2. The Deputy Registrar of Co-operative Societies,
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3. The President,
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+1 CC to The Special Government Pleader (SR-11864[F] dated 17/03/2021)

W.P(MD)No.5540 of 2021
16.03.2021

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