



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **21.09.2021**

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P(MD) No.16995 of 2021

and

W.M.P(MD) Nos.13918 & 13919 of 2021

WEB COPY

The Management,
Rep. Through its President,
S.Sathyamoorthy

... Petitioner

Vs.

1.The Joint Registrar of Co-Operative Societies,
Virudhunagar,
Virudhunagar District.

2.Mr.D.S.Ramachandran,
Secretary,
Sp.SPCL.74,
Muthusampuram Primary Agricultural
Credit Society,
No.94, Pillaiyar Kovil Street,
Sattur, Virudhunagar District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order vide Na.Ka.No.6797/2013 dated 23.09.2016 of the 1st respondent and to quash the same as illegal.

For Petitioner : Mr.C.M.Arumugam
For Respondents : Mr.A.K.Manikkam,
Standing Counsel for State for R1.

O R D E R

This Writ Petition has been filed challenging the impugned order passed by the first respondent dated 23.09.2016.

2.According to the petitioner society, the second respondent has filed a Writ Petition in W.P.(MD)No.11147 of 2017 to disburse an amount of Rs.1,19,292/- (Rupees One Lakh Nineteen Thousand Two Hundred and Ninety Two only) towards the salary for 57 days by implementing the order of the first respondent dated 23.09.2016, wherein the first respondent directed the petitioner society to provide salary to the second respondent for a period of 57 days, as the second respondent served in the foreign employment of the petitioner society. This Court, by order dated 12.03.2021, disposed the said writ petition by directing the third respondent therein to



implement the order of the first respondent dated 23.09.2016. Now the petitioner has filed this Writ Petition challenging the order of the first respondent dated 23.09.2016.

3.The learned counsel appearing for the petitioner would submit that the first respondent without tested the veracity of the Attendance Register, wherein the absent of the petitioner has clearly been noted, has passed the impugned order. Therefore, the impugned order is liable to be set aside.

4.The learned counsel appearing for the 1st respondent submitted that the writ Petition is not maintainable as the petitioner society has challenged the impugned order, after a lapse of five years. Hence, this Writ Petition is liable to be dismissed.

5.I have anxiously considered the rival submissions and perused the materials available on record.

6.In the affidavit, it is seen that the petitioner society has not explained the reasons for the inordinate delay in challenging the impugned order passed by the first respondent. The petitioner society ought to have challenged the aforesaid order within the reasonable time. The second respondent has filed a Writ Petition in W.P.(MD)No.11147 of 2017 and this Court by order dated 12.03.2021, disposed of the said Writ Petition. Thereafter only, the petitioner society has challenged the order passed by the first respondent dated 29.03.2016, by claiming that the second respondent is not entitled for any salary for a period of 57 days, which was shown as absent. This Court will not accept the said contention of the petitioner society and *prima facie* there is no ground to interfere with the impugned order passed by the first respondent. Therefore, this Writ Petition is liable to be dismissed on the ground of delay and laches.

7.Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (A.D II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

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

The Joint Registrar of Co-Operative Societies,
Virudhunagar,
Virudhunagar District.

+1 CC to M/s.C.M.ARUMUGAM, Advocate (SR-29742[F] dated 21/09/2021)

+1 CC to M/s.SPL.GP (SR-29836[F] dated 22/09/2021)

W.P (MD) No.16995 of 2021
21.09.2021

PS (CO) /RS (07.10.2021) 3P 4C