



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2021

CORAM:

THE HONOURABLE DR JUSTICE ANITA SUMANTH

W.P. (MD) No.6791 of 2018

and W.M.P (MD) No.6501 of 2018

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A.Palanivel

... Petitioner

Vs.

1.The Principal Secretary to Government of Tamil Nadu,
Cooperation, Food and Consumer Protection (CN2)
Department, St.George Fort,
Chennai.

2.The Joint Registrar/Revisional Officer,
Co-operative Societies,
Pudukottai.

3.The President,
M.M.400, Mampatti Primary Agricultural
Credit Society,
Kizhikudi, Pudukottai District.

4.The Secretary,
M.M.400, Mampatti Primary Agricultural
Credit Society,
Kizhikudi,
Pudukottai District.

5.The Vice-President,
M.M.400, Mampatti Primary Agricultural
Credit Society,
Kizhikudi,
Pudukottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorari Mandamus calling for the records relating to impugned order in review dated 02.08.2017 vide proceedings in G.O.(2D). NO.55 passed by the first respondent confirming the order in revision dated 02.08.2017 vide proceedings in G.O(2D).No.55 passed by the first respondent confirming the order in revision dated 27.06.2016 vide proceedings in Na.Ka.3949/2015 A2 passed by the second respondent confirming the order in appeal dated 31.10.2000 vide proceedings in Na.Ka.12388/20000 A2 passed by the second respondent confirming the order dated 07.08.1999 passed by the fifth respondent and quash the same and consequently direct the respondents to reinstate the petitioner in service as Watchman with all consequential benefits.



For Petitioner : Mr.T.Antony Arulraj
For R1 & R2 : Mr.D.Sadiq Raja
Special Government Pleader
For R3 to R5 : No appearance

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O R D E R

The petitioner had been employed as a Night Watchmen in the Mampatti Primary Agricultural Credit Society. He had been suspended from service on 04.03.1999 and was issued a charge memo containing six(6) charges on 20.03.1999. The petitioner submitted his explanation on 24.03.1999 and he was terminated from service by order dated 07.08.1999.

2. The procedure for challenge is in terms of Section 153 of the Tamilnadu Co-operative Societies Act, 1983, ('Act') that provides for a revision by the Registrar either of his own accord or on application calling for and examining the record of any Officer of any proceeding under the Act or the Rules in respect of any matter for which an appeal does not lie to the Tribunal in terms of Section 152(1) of the Act.

3. Revision is to be sought within 90 days from the date on which the proceedings in question was communicated to the applicant desiring to challenge the same. In the present case, the petitioner appears to have moved three (3) such petitions.

4. The order of the second respondent dated 27.06.2016 reviews the history of the matter and the details of the three(3) revision petitions filed by the petitioner. The first is challenge to the order of termination dated 07.08.1999 by way of revision dated 30.10.2000. The petitioner was called upon to rectify certain defects, being inadequate court fee as well as the delay in filing of the revision petition and ultimately, an order came to be passed on 31.10.2000 dismissing the application for revision.

5. The petition thereafter moved a second revision after fifteen years, which came to be rejected by proceedings in Na.Ka.No.3363/2016 30.04.2016. Keeping aside the delay for a moment, even the subsequent petition does not appear to have been accompanied by court fee and has not been moved in terms of any specific provision under the law. The second respondent notices that the reason set out for delay is family circumstances of the petitioner, though no specifics have been provided in that regard.

6. A third application for review thereafter came to be filed by the petitioner on 06.08.2016 before the Principal Secretary to the State which had also come to be rejected on 02.08.2017 under G.O.(2D) No.55 of 2017, taking note of the trajectory that the matter has taken, particularly in regard to procedure and timelines as set out under the statute.



7. I am of the view that the petitioner has taken unacceptable liberties with the time granted under the statute to pursue the statutory remedies. Though family circumstances might have a part to play, the resultant delay would have to be explained in detail and justified by the applicant.

8. In the present case, where the impugned order has been passed in 1999, no justification whatsoever has been set out for filing of a second application for revision, which is itself unsanctioned, after one and a half decades from the passing of the original order. There is not a shred of material, let alone credible material placed on record, or even the whisper of an acceptable justification for the intervening delay.

9. The impugned order stands confirmed and this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

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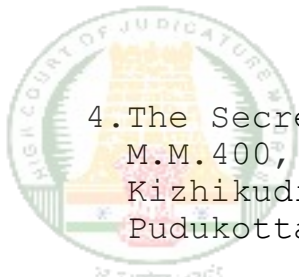
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Sub Assistant Registrar(CS)

CM

TO:-,

- 1.The Principal Secretary to Government of Tamil Nadu,
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Chennai.
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+1 CC to M/s.T.ANTONY ARULRAJ, Advocate (SR-37888[F]
dated 09/12/2021)

+1 CC to M/s.SPL GP (SR-37930[F] dated 09/12/2021)

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BK(CO)

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