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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12790 of 2014

R.Sujatha ...Petitioner

Vs.

The Joint Registrar of
Co-operative Societies,
Villupuram Region,
Villupuram District. ...Respondent

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India praying for an issuance of a Writ of Certiorarified Mandamus, calling for the records of the respondent in his proceeding Aa.Thi.Mu.No.1165/2014 sa.pa dated 27.02.2014 and quash the same and consequently, direct the respondent to entertain the revision petition and decide the same on merits.

For Petitioner : Mr.K.Raja

For Respondent : Ms.S.Anitha
Special Government Pleader

O R D E R

The order impugned dated 27.02.2014 reveals that the revision petition filed by the writ petitioner under Section 153 of the Tamil Nadu Co-operative Societies Act was rejected on the ground of delay. The petitioner was working as Clerk in Perangiyur Primary Agriculture Co-operative Bank Ltd., and she was placed under suspension on initiation of suspension proceedings. A charge memo was issued and after conducting an enquiry, the petitioner was dismissed from service on 26.04.2003. Thereafter, the petitioner filed a revision petition before the respondent under Section 153 of the Tamil Nadu Co-operative Societies Act. The said revision petition was rejected on the ground of delay of 199 days. Thus, the petitioner is constrained to move the present writ petition.

2.The petitioner was imposed with major punishment of dismissal from service. No doubt, there is a delay of 199 days

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in filing the writ petition. The petitioner has furnished certain reasons for such a delay. The delay cannot be considered as enormous warranting rejection from the hands of this Court. In such circumstances, when the major punishment of removal from service is challenged by way of revision petition, if the delay is enormous, then, it is to be rejected. However, in the present case, the delay should not be deprived the petitioner from adjudicating the issue on merits as the punishment imposed on the petitioner was dismissal from service. This being the factum established, the order impugned passed by the respondent in proceeding Aa.Thi.Mu.No.1165/2014 sa.pa, dated 27.02.2014, is quashed and the respondent is directed to restore the revision petition and conduct an inquiry by affording an opportunity to all the parties and by following the procedures contemplated under the Act and Rules and dispose of the same as expeditiously as possible.

With these directions, the writ petition is disposed of. No Costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sli/sms
To

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

+1 cc to Government Pleader Sr.NO. 35906

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