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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.26700 of 2019
and
WMP.No.26084 of 2019

R.Somasundaram
S/o. N.Rangasamy

...Petitioner

Vs.

1. The Joint Registrar of Cooperative Societies,
Cuddalore Region,
Saravana Bhava Super Market Complex,
Beach Road, Cuddalore, Cuddalore District.

2. The President,
E.2625 Poongunam Urban Co-operative,
Credit Society Ltd.,
Poongunam, L.N.Puram Post - 607 106,
Panruti Taluk,
Cuddalore District.

... Respondents

Prayer: Writ Petition filed under Section 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 2nd respondent in his proceedings No.Nil, dated 20.08.2019 and quash the same and consequently directing the respondents to reinstate the petitioner into service along with backwages, monetary benefits and other attendant benefits to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.R.Neethiperumal
Government Advocate [R1]

Mr.L.P.Shanmugasundaram [R2]

ORDER

The prayer sought for herein is for a writ of Certiorarified Mandamus, to quash the impugned order passed by the 2nd respondent in his proceedings No.Nil, dated 20.08.2019 and



consequently directing the respondents to reinstate the petitioner into service along with backwages, monetary benefits and other attendant benefits to the petitioner.

2. The petitioner was an employee of the second respondent Society, against whom, a disciplinary proceedings was initiated, which concluded in an order of termination of service by order dated 20.08.2019. Challenging the same, the present writ petition has been filed.

3. When the case is taken up for hearing today, it is the stand taken by the respondent/Management that, as against the order impugned, the petitioner can very well file a Revision before the Registrar of Co-operative Societies or Joint Registrar of Co-operative Societies as per the delegation made in this regard under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983[in short, 'the Act'] and if such a revision is filed, the same shall be considered and decided by the Revisional Authority on merits. Therefore, without exhausting such an effective alternative revisional remedy, the petitioner since has approached this Court by invoking extraordinary jurisdiction of this Court, on that ground this writ petition is liable to be rejected, he contended.

4. I have considered the said submission made by the learned counsel appearing for the respondent and in this regard Mr.C.Prakasam, learned counsel appearing for the petitioner also fairly submitted that, if the revisional remedy under Section 153 of the Act is an effective alternative remedy, where the petitioner is relegated to file a revision, a time bound direction may be give to consider and pass orders on the said revision within a time frame to be stipulated by this Court.

5. Considering the submissions made by the learned counsel appearing for both sides, this Court is inclined to dispose of this writ petition with the following orders:

- ◆ That the petitioner is relegated to approach the Revisional Authority under Section 153 of the said Act by filing a revision against the impugned order dated 20.08.2019 within a period of 30 days from the date of receipt of a copy of this order.
- ◆ If such a revision is filed, the same shall be entertained and decided on merits by the first respondent, who is the Revisional Authority within two months thereafter, for which, both the parties shall co-operate with the Revisional Authority.



With these directions this writ petition is disposed of. No costs. Connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Joint Registrar of Cooperative Societies,
Cuddalore Region,
Saravana Bhava Super Market Complex,
Beach Road, Cuddalore, Cuddalore District.
2. The President,
E.2625 Poongunam Urban Co-operative,
Credit Society Ltd.,
Poongunam, L.N.Puram Post - 607 106,
Panruti Taluk,
Cuddalore District.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.33919

+1cc to the Government Pleader, S.R.No.33700

W.P.No.26700 of 2019

PA (CO)
UMA (01/07/2022)