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W.P.No.2428 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.2428 of 2023

S.Manimegalai

... Petitioner

Vs.

1. The Joint Registrar Co-operative Societies,
Coimbatore Zone,
Coimbatore - 641 038.

2. The President,
Judicial Employees Co-operative Thrift and Credit
Society Ltd. No.CC-2355,
Combined Court Complex,
Coimbatore - 641 018.

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the first respondent in Review Petition No.3977/2021/ve2, dated 15.07.2021 and Ma.Ma.No.8304/2021/ve2, dated 26.10.2021 and quash the same and consequently direct the first respondent to entertain the petitioner's review petition dated 17.09.2021 and dispose of the same by providing opportunity to the petitioner in accordance with law.



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For Petitioner : Mr.R.Marudhachalamurthy

For Respondent : Mr.R.Dinesh Rajkumar
No.1 Additional Government Pleader

For Respondent : Mr.A.Anandan
No.2 Government Advocate

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ORDER

This Writ Petition has been filed challenging the impugned order passed by the first respondent dated 15.07.2021 and 26.10.2021 and for consequential directions to the first respondent to entertain the review petition filed by the petitioner and dispose of the same in accordance with law.

2. It is seen from the records that the petitioner was working as Secretary in the second respondent Society. He was suspended from service in the year 1999 and the disciplinary proceedings were initiated and ultimately the same ended in the order of termination/dismissal, passed in the year 1999. Aggrieved by the same, the petitioner filed a revision petition under Section 153 of the Tamil Nadu Cooperative Societies Act, 1983 and this revision petition was dismissed in the year 2001 and thereby, the order of termination was confirmed.



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3. The further case of the petitioner is that she filed a review petition in the year 2001 before the first respondent and the same was never taken up for consideration. The petitioner was continuously following up with the first respondent and has also filed an application under Right to Information Act, seeking for information. Ultimately, by information dated 19.03.2021, the petitioner was informed that there was no review petition available and if the petitioner files an appeal under Section 154 of the Tamil Nadu Cooperative Societies Act, the same will be considered on its own merits and in accordance with law. Pursuant to the above, the petitioner filed a petition before the first respondent and the same was dismissed through the impugned order dated 15.07.2021 on the ground that the petition has been filed with exorbitant delay and the first respondent does not have power or jurisdiction to condone the delay. This order has been put to challenge in this present Writ Petition.

4. Heard Mr.R.Marudhachalamurthy, learned counsel appearing for the petitioner, Mr.R.Dinesh Rajkumar, learned Additional Government Pleader appearing for the first respondent and Mr.A.Anandan, learned Government Advocate appearing for the second respondent.



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5. In the considered view of this Court, the present Writ Petition is liable to be dismissed on the ground of laches. Admittedly, the petitioner was dismissed from service in the year 1999 and the same was confirmed by the order passed in the revision petition filed by the petitioner in the year 2001. There is absolutely no material to show that the petitioner filed a review petition in the year 2001. It is merely an *ipse dixit* on the part of the petitioner claiming that the review petition was filed in the year 2001 and there is absolutely no material to substantiate the same. If really the petitioner had filed the review petition in the year 2001, she would not have kept quiet till the year 2019 and thereafter, started making applications under the RTI Act. Ultimately, the petitioner filed an appeal in the year 2021.

6. The petitioner is now aged about 57 years and the petitioner has not availed her remedy at the relevant point of time. The petitioner has slept over her right and there is absolutely no explanation for the inaction on the part of the petitioner from 2001 to 2019 for nearly 18 years. It is too late in the day for the petitioner to workout her remedy against the termination, which took place as early as in the year 1999.



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In view of the above discussion, this Court does not find any merit in this Writ Petition and accordingly, the same stands dismissed. There shall be no order as to costs.

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To

1. The Joint Registrar Co-operative Societies,
Coimbatore Zone,
Coimbatore - 641 038.
2. The President,
Judicial Employees Co-operative Thrift and Credit
Society Ltd. No.CC-2355,
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N.ANAND VENKATESH, J.

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