



WEB COPY

W.P.No.774



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2023

CORAM:

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P.No.7747 of 2011

B.Selvambigai

...Petitioner

VS.

1.The Joint Registrar/Revision Officer,
O/o.The Joint Registrar of Co.op Societies,
Cuddalore Division,
Cuddalore,
Cuddalore District.

2.The Deputy Registrar,
O/o.The Deputy Registrar of Co.op Societies,
Virudhachalam Circle,
Cuddalore District.

3.The Special Officer,
I.I.604, Paravalur Primary Agricultural,
Co.Operative Bank,
Kokkur Road,
Paravalur (Post),
Virudhachalam (Taluk),
Cuddalore District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the 1st respondent in Aa.thi.mu.6066/2010 thu va tha.1 dated 26.08.2010 and the consequential order passed by the 1st respondent in review petition in Aa.thi.mu 7600/2010 thu va tha dated 10.11.2010 and quash the same



and consequently direct the 1st respondent to pass orders on the revision petition on merits within reasonable time.

WEB COPY

For Petitioner : Mr.D.Balachandran

For Respondents : Mr.A.M.Ayyadurai for R1 & R2
Government Advocate

Mr.L.P.Shanmugasundaram for R3

ORDER

The Writ Petition has been filed challenging the proceedings of the first respondent dated 26.08.2010 and the consequential order passed by the first respondent in the Revision Petition dated 10.11.2010 and consequently direct the first respondent to pass orders on the Revision Petition on merits in a reasonable time.

2.Heard Mr.D.Balachandran, learned counsel appearing for the petitioner and Mr.A.M.Ayyadurai, learned Government Advocate appearing for the respondents 1 & 2 and Mr.L.P.Shanmugasundaram, learned counsel appearing for the third respondent.

3.Mr.D.Balachandran, learned counsel appearing for the petitioner would submit that she was appointed as an Attender on consolidated pay on 10.03.2001 in the third respondent bank. She was also conferred with the time



W.P.No.774

WEB COPY

scale of pay of Rs.1895-5165 and was also conferred with Dearness Allowance and other benefits. But on 31.08.2001 without any notice or enquiry, the petitioner was retrenched from service without following the due process as contemplated under Section 25(F) of the Industrial Disputes Act, 1947. Challenging the same, the petitioner had filed a Writ Petition in W.P.No.11862 of 2003 wherein, this Court by order dated 06.08.2003 had disposed the Writ Petition on the terms of the Division Bench judgment in the case of ***L.Justine and Another vs. The Registrar of Co.op Societies, Chennai-10 and 2 others*** reported in ***(2002) 4 CTC 385***.

4.He would further submit that thereafter, the petitioner had preferred a Revision Petition before the first respondent. However in filing the Revision Petition there had occasioned a delay which was returned indicating that the same had been preferred beyond the period of limitation. However, on a wrong advice, the petitioner had again preferred the Revision Petition along with an application to condone the delay which had again been rejected indicating that the claim of the petitioner could not be considered. He would further submit that the petitioner has good chances of success in the Revision Petition and therefore, the first respondent should consider the case on merits and not on technicalities.



WEB COPY

5.Countering his arguments, Mr.A.M.Ayyadurai, learned Government Advocate appearing for the respondents 1 & 2 would rely upon a judgment of this Court in the case of ***N.P.Palanisamy vs. State of Tamil Nadu rep. by Secretary to Government, Food & Co-operation Department, Fort St.George, Chennai and 3 others*** reported in ***(2012) 4 CTC 257*** had held that the provisions of Section 153(1) are only directory and not mandatory as provision empowers the Registrar to revise an order on its own motion and has held that there is no limitation to prefer a revision and there was no question of condonation of delay. In view of the aforesaid judgment, he would submit that the order impugned could be set aside and direct the respondents to consider the Revision Petition on merits.

6.I have heard the arguments of the learned counsel appearing on either side and perused the judgment of this Court reported in ***2012 4 CTC 257*** and also the materials available on record.

7.As rightly pointed out by the learned counsel appearing for the respondents 1 & 2, there is no provision of condonation of delay and the Limitation Act does not apply to the Revision Petition. In view of the aforesaid judgment, I am inclined to set aside the order impugned in this Writ Petition and direct the respondents to take on file the Revision Petition filed by the petitioner



W.P.No.774



and to dispose of the same on merits after affording an opportunity to the petitioner within a period of 12 weeks from the date of receipt of a copy of this order.

8.In fine, the Writ Petition is allowed with the aforesaid direction. There shall be no order as to costs.

30.11.2023

Index: Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
pam

To

- 1.The Joint Registrar/Revision Officer,
O/o.The Joint Registrar of Co.op Societies,
Cuddalore Division,
Cuddalore,
Cuddalore District.
- 2.The Deputy Registrar,
O/o.The Deputy Registrar of Co.op Societies,
Virudhachalam Circle,
Cuddalore District.



WEB COPY



W.P.No.774

K.KUMARESH BABU, J.

pam

W.P.No.7747 of 2010

30.11.2023