



W.P.No.16553 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.16553 of 2023
and
W.M.P.N.15848 of 2023

L.Rajamani

...Petitioner

Vs.

1.The Joint Registrar of Cooperative Societies,
Krishnagiri Region, Krishnagiri,
Krishnagiri District.

2.The Deputy Registrar of Cooperative Societies,
Hosur Circle, Hosur,
Krishnagiri District.

3.The President,
S.2826 Koneripalli Primary Agricultural
Cooperative Credit Society,
Koneripalli Village, Sulagiri Taluk,
Krishnagiri District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.No.398/2020/Sa.pa. dated



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29.06.2022 and quash the same and consequently direct the 1st respondent to entertain the statutory revision and dispose the same on merits.

For Petitioner : Mr.C.Prakasam

For R1 & R2 : Mr.S.Rajesh,
Government Advocate

For R3 : Mr.M.Alagu Goutham,
Government Advocate

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. As against the non-consideration of representations seeking for disbursement of retirement benefits, the petitioner had preferred a revision under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983, (hereinafter referred to as 'the Act') before the first respondent herein, which came to be rejected through the impugned order dated 29.06.2022. The only ground for such rejection is that the petitioner has preferred a revision after a lapse of 90 days from the date



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of retirement and hence, the same is not maintainable.

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3. This Court in the case of '**N.P. Palanisamy Vs. State of Tamil Nadu & others**' reported in '**2012 (4) CTC 257**', had held that the limitation period of 90 days prescribed under Section 153 of the Act is not mandatory in nature but only directory and that the law of limitation relating to condonation of delay should be rendered in same. In other words, an employee who intends to prefer Section 153 of the Act, after the statutory limitation period of 90 days, would be entitled to file an application seeking for condonation of delay.

4. In the light of the above, the only reason for rejection of the revision petition cannot be sustained. Consequently, the petitioner would be entitled for preferring an application seeking for condonation of delay in filing a revision petition. It is needless to point out that it will be open to the first respondent herein to consider the application seeking for condonation of delay on its own merits and after being satisfied that the petitioner has given sufficient reasons for not preferring the revision in time, shall pass final orders thereafter.



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5. With the above findings, the impugned order dated 29.06.2022 is hereby quashed. Consequently, the petitioner is granted liberty to file an application for condoning the delay in preferring the revision under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983 to the first respondent herein and on receipt of such application, the first respondent shall consider the condone delay application on its own merits and pass appropriate orders, within a period of 30 days from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

05.06.2023

Index:Yes/No
Internet: Yes/No
Speaking order/Non-speaking order
Neutral Citation: Yes/No

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To

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M.S.RAMESH,J.

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