



WEB COPY



W.P.No.16745 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2023

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.16745 of 2020
and
W.M.P.No.20764 of 2020

M.Sambanthan, M/48
S/o.K.Masilamani
No.3/890/1, Samadhanapuram
SIPCOT Housing Colony Backside
Mookkandapalli Post
Hosur Taluk
Krishnagiri District

... Petitioner

/Vs/

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

2.The Managing Director
Vellore District Central Co-operative Bank
Vellore, Vellore District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned order passed by the first Respondent in



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his proceedings Na.Ka.3607/2020/A2 dated 28.09.2020 and quash the same and consequently direct the first Respondent to entertain the Statutory Revision filed by the Petitioner on 10.08.2020 and dispose the same on merits.

For Petitioner : Mr.C.Prakasam

For Respondents : Ms.P.Rajarajeswari (for R1)
Government Advocate

Mr.L.P.Shanmugasundaram (for R2)

ORDER

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned order passed by the first Respondent in his proceedings Na.Ka.3607/2020/A2 dated 28.09.2020 and quash the same and consequently direct the first Respondent to entertain the Statutory Revision filed by the Petitioner on 10.08.2020 and dispose the same on merits.

2.The Petitioner was working as Assistant Manager/Field Supervisor in the second Respondent's Bank at Vaniyambadi branch. During such course, disciplinary proceedings has been initiated against him for



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unauthorised absence and for which, he was imposed with a punishment of stoppage of increment for three months. The Petitioner had filed Revision Petition against the said order on 10.08.2020 before the first Respondent. The same has been rejected by the first Respondent for the reason that Revision Petition has not been filed within a period of limitation.

3.Learned counsel for the Petitioner cited the judgment of this Court made in W.P.No.606 of 2011 dated 10.02.2011, wherein it is held that the first Respondent has got power to condone the delay on the Revision Petition filed by Petitioner and the first Respondent ought not to have rejected the Petition for the reason of delay. According to the learned counsel for the Petitioner, there is no limitation contemplated under Section 153 of Tamil Nadu Cooperative Societies Act.

4.Learned Government Advocate appearing for the first Respondent submitted that as per Section 153 of Tamil Nadu Cooperative Societies Act limitation period is 90 days.



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WEB COPY 5. Heard the learned counsel appearing on either sides and perused the available records.

6. In the present case, the Petitioner has filed revision Petition after nearly 10 years from the date of punishment. The impugned order has been passed simply stating that the Revision Petition has not been filed within a stipulated time limit. The Petitioner has also not filed any Petition along with Revision Petition, to condone the delay.

7. In view of the judgment stated supra, the first Respondent has got powers to condone the delay, however, only on merits. Hence, the Petitioner is at liberty to file a Petition to condone the delay in filing the Revision Petition. On receiving the same, the first Respondent shall consider the same on merits and pass order as to condonation of delay and depending upon the outcome of the said Petition, it is open to the first Respondent to take up the revision petition and pass necessary orders on merits.



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WEB COPY 8. With the above direction, this Writ Petition is disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

04.10.2023

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

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To

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

2. The Managing Director
Vellore District Central Co-operative Bank
Vellore, Vellore District.



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R.N.MANJULA, J.

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