



WEB COPY



W.P.No.23350 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.23350 of 2023

and

W.M.P.No.22887 of 2023

C.Sivashanmugam

... Petitioner

Vs.

1.The Joint Registrar/Revisional Authority,
Co-op. Societies,
Nagapattinam Region,
Nagapattinam.

2.The Deputy Registrar,
Co-op. Societies,
Nagapattinam.

3.The President,
Narimanam Primary Agricultural
Co-operative Credit Society Ltd. T.805,
Narimanam, Nagapattinam District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for records of the 1st respondent in his proceedings in Na.Ka.No.1611/2023/A3, dated 18.05.2023, and quash the same.



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For Petitioner : Mr.A.Muthukumar
For R1 and R2 : Mr.E.Vedabagath Singh
Special Government Pleader
For R3 : Mr.M.R.Gokul Krishnan
Additional Government Pleader

ORDER

This writ petition has been filed challenging the proceedings of the 1st respondent in Na.Ka.No.1611/2023/A3, dated 18.05.2023.

2.It is the case of the petitioner that the petitioner was originally appointed as Salesman in the respondent Society and while he was acting as Secretary in-charge, he was proceeded with a departmental enquiry for the alleged misappropriation to the tune of more than Rs.5 Lakhs in the respondent Society. Thereafter, by order dated 29.04.2016, the Disciplinary Authority imposed a punishment of stoppage of increment for a period of six months, because of which, according to the petitioner, his promotion is getting delayed. While so, it appears that the 3rd respondent has preferred a revision before the 1st respondent/Joint Registrar alleging that the punishment imposed on the petitioner is inadequate. The grievance of the petitioner is that the said revision has been entertained by



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the 1st respondent/Joint Registrar of Co-operative Societies under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983, even without affording any opportunity of hearing to the petitioner to raise his objections on the ground of delay and the 1st respondent has passed the impugned order on 18.05.2023, directing the petitioner to give explanation as to why he should not be imposed with a punishment of removal from service. Challenging the same, the present writ petition has been filed.

3.Heard the learned counsel for the petitioner, Mr.E.Vedabagath Singh, learned Special Government Pleader, who takes notice for the respondents 1 and 2 and Mr.M.R.Gokul Krishnan, learned counsel, who takes notice for the 3rd respondent.

4.On a perusal of the very impugned order, this Court is of the view that the same cannot be sustained in the eye of law. First of all, the revision ought to have been filed within time. Even if the revision is filed at a later point of time, before entertaining the same, the petitioner ought to have been given an opportunity of hearing, which has not been done in this case. Even assuming that the revision is maintainable, the proper method is to hear the other side before condoning the delay or entertaining the



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revision, particularly when the revision has been filed to impose a major punishment of removal from service, on the petitioner. Therefore, the very entertaining of the revision itself cannot be sustained in the eye of law and the consequent order of the Revisional Authority/1st respondent seeking explanation from the petitioner, is liable to be set aside.

5. Accordingly, the impugned order of the 1st respondent, dated 18.05.2023, is set aside. The 1st respondent shall, first, decide on the maintainability of the revision after giving a proper opportunity of hearing to the petitioner to raise his objections to the delay and any other grounds, and thereafter, if the authority finds that sufficient cause is shown for the delay, shall number and entertain the revision, and after hearing the petitioner, shall dispose of the same, on merits and in accordance with law.

6. With these directions, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

10.08.2023

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Internet : Yes

<https://www.mhc.tn.gov.in/judis>



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Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

- 1.The Joint Registrar/Revisional Authority,
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Nagapattinam Region,
Nagapattinam.
- 2.The Deputy Registrar,
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