



WEB COPY



W.P.No.25183 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2023

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THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.25183 of 2023

S.Chinnasamy

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Petitioner

Vs

1. The Joint Registrar of Cooperative Societies,
Office of the Joint Registrar of Cooperative Societies,
Room No.407, 4th Floor,
Office of the District Collector,
Tirupur – 641 604.

2. K.766 Kanoorpudur Primary Agricultural
Co-operative Credit Society,
Kanoorpudur, Kanoor Post,
Avinashi Taluk,
Tiruppur District – 641 655.

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Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for Writ of Certiorarified Mandamus calling for the records of the respondents, culminating in the impugned order passed by the first respondent in his proceedings Na.Ka.No.2491/2023/B2 dated 26.07.2023 and quash the same as illegal and consequently directing the first respondent to dispose of the Revision Petition dated 18.05.2023 on merits within a time frame to be fixed by this Court.



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For Petitioner : Mr.K.Ashok Kumar
For R1 : Mr.P.Baladhaydayutham
Special Government Pleader
For R2 : Mrs.Meera Arumugam
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned order dated 26.07.2023 in Proceedings Na.Ka.No.2491/2023/B2 passed by the first respondent, thereby dismissing the petition to condone the delay in filing the Revision under Section 153 of Tamil Nadu Cooperative Societies Act, 1983.

2. Heard Mr.K.Ashok Kumar, learned counsel appearing for the petitioner, Mr.P.Baladhandayutham, learned Special Government Pleader appearing for the first respondent, Mrs.Meera Arumugam, learned Additional Government Pleader appearing for the second respondent and perused the materials available on record.

3. The petitioner had joined in the Co-operative Society on 01.03.2016 in the post of Assistant. On the charge of not reporting to duty, disciplinary proceeding was initiated against the petitioner. Though



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the petitioner submitted an explanation, the same was not considered and the petitioner was dismissed from service. Aggrieved by the said order, the petitioner had preferred statutory revision under Section 153 of Tamil Nadu Cooperative Societies Act, 1983. However, while preferring the revision, there was a delay of 75 days in filing the revision. Therefore, the first respondent rejected the revision on the ground of laches. As per Section 153 of Tamil Nadu Cooperative Societies Act, 1983, the revision has to be filed within the period of 90 days. However the Act does not exclude the application to condone the delay under Section 5 of the Limitation Act. Therefore, the petitioner can very well file a petition to condone the delay under Section 5 of the Limitation Act, while preferring the revision under Section 153 of Tamil Nadu Cooperative Societies Act, 1983.

4. In view of the above, the impugned order dated 26.07.2023 in Proceedings Na.Ka.No.2491/2023/B2 passed by the first respondent, is hereby quashed. The petitioner is at liberty to file a revision petition once again along with the condone delay petition under Section 5 of the Limitation Act, 1983. On receipt of the same, the first respondent is directed to consider the condone delay petition and pass



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orders on merits in the main revision as against the order of dismissal from service.

5. With the above direction, this Writ Petition stands allowed. There shall be no order as to costs.

25.08.2023

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

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To

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