



C.R.P.No.4678 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2023

CORAM:

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No.4678 of 2023

A.Ravichandran

... Petitioner

-Vs-

The Administrator,
The Puducherry State Cooperative
Bank Ltd.,
No.204, 100 ft. Road,
Olandaikeerapalayam, Mudaliarpet,
Puducherry-605 004.

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to direct the Principal District Court at Puducherry cum the Cooperative Appellate Tribunal, Puducherry under Pondicherry Cooperative Societies Act, 1972 to accept the appeal filed in Co-op. Appeal No. 1627 of 2023 to be on file to entertain the appeal and dispose the same in accordance to the merits within the prescribed time by allowing the above C.R.P.



C.R.P.No.4678 of 2023

For Petitioner : Mr.V.Manohar
For Respondent : Mr.R.Sreedhar

ORDER

The Revision Petitioner herein is the appellant in the Coop. Appeal No. 1627 of 2023 on the file of learned Principal District Court at Puducherry cum the Cooperative Appellate Tribunal, Puducherry.

2. Challenging the disciplinary proceedings initiated by the Puducherry State Cooperative Bank Ltd., Puducherry, the Revision Petitioner preferred an appeal before the Cooperative Appellate Tribunal, Puducherry. But, the said appeal was not entertained and returned the same by the Appellate Tribunal stating that the impugned proceedings initiated against the Revision Petitioner is only disciplinary proceedings. Against which, the Cooperative Appellate Tribunal has no right to entertain the appeal as it is not come under Sec.82 of the Pondicherry Cooperative Societies Act (hereinafter called as 'Act') and the same is not maintainable before its forum, thereby it was returned. Aggrieved over the same, he preferred this Civil Revision Petition.



C.R.P.No.4678 of 2023

WEB COPY

3. The learned counsel for Revision Petitioner would submit that the entire proceedings initiated by the authority concerned shows that he has misappropriated and fraudulently retained the money and committed irregularity in supervising. So, it is not a disciplinary proceedings as alleged by the Appellate Tribunal. Therefore, he is entitled to challenge the same before the appellate tribunal. But, without considering his submissions, the appellate tribunal returned the appeal. Hence, he prayed to set aside the findings of trial judge.

4. On perusal of records, it reveals that though it is mentioned as disciplinary proceedings, but entire allegation levelled against him is that he has misappropriated the fund belong to the society. Moreover, the audit was conducted as per Sec.74 of the Act and after that, they found some irregularity. So, opportunity might have been given to the Revision Petitioner to disprove his claim, if at all, it has not come under the Act and the same can be decided on merits. But, the appellate tribunal failed to appreciate the same. Therefore, the Appellate Tribunal is directed to number the appeal and take the same on file within a period of two weeks



C.R.P.No.4678 of 2023

from the date of receipt of copy of this order. Registry is directed to return the original petition to the Revision Petitioner within a period of two weeks. Accordingly, this Civil Revision Petition is disposed of. No costs.

20.12.2023

Index : Yes/No

Speaking Order : Yes/No

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To

Principal District Court at Puducherry cum the Cooperative Appellate Tribunal,
Puducherry.

T.V.THAMILSELVI, J.



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C.R.P.No.4678 of 2023

rpp

C.R.P.No.4678 of 2023

20.12.2023