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W.P.No.155 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.155 of 2023
and W.M.P.No.147 of 2023

E.P.Chinnasamy

.. Petitioner

Versus

1. The Joint Registrar of Co-operative Societies,
Erode Circle, Erode.
 2. The Deputy Registrar of Co-operative Societies,
Erode Circle, Erode.
 3. The Management of
K.1161, Kalingarayanpalayam - Elavalamalai,
Primary Agricultural Co-operative Credit Society Limited,
Rep. by its President/Secretary,
Kalingarayanpalayam,
Bhavani - 636 301, Erode District.
- .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 1st respondent in Na.Ka.No.9517/2022/Sa.Pa., dated 10.11.2022 under Section 153 of Tamil Nadu C-operative Societies Act, 1983 and quash the same and



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consequently, remand back to the 1st respondent to pass fresh orders on merits in accordance with law.

For Petitioner : Mr.L.P.Shanmugasundaram

For Respondents : Mr.R.P.Murugan Raja,
Government Advocate,
for RR-1 and 2

: Mrs.K.Vasantha Mala,
Government Advocate for R3

ORDER

This petition is filed to call for the records relating to the impugned order passed by the first respondent, dated 10.11.2022 under Section 153 of the *Tamil Nadu Co-operative Societies Act, 1983*. By the said impugned order, a Revision Petition, filed by the petitioner, was dismissed on the ground that it was delayed by 12 years.

2. In the said Revision Petition, the petitioner, who is working as Sales Man in the third respondent Co-operative Society, claimed further promotion as Junior Clerk. It is the case of the petitioner that the juniors to the petitioners who were appointed as Packer and Salesman much after the date of appointment of the petitioner i.e., after 15.05.1991 namely *CJeeva Baskaran, T.M.Rangasamy, S.Mani, K.S.Eswaramurthy, P.Poosapran,*



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K.S.Kanagaraj etc., were promoted to the next higher post of Junior Clerk while the petitioner has been kept in the same cadre of Salesman till date. He would submit that when the petitioner has filed a Revision Petition, the same cannot be dismissed on the ground of limitation alone.

3. *Mr.L.P.Shanmugasundaram*, learned Counsel for the petitioner, drawing the attention of this Court to the judgment in *N.P.Palanisamy Vs. State of Tamil Nadu*¹ and the judgment of this Court, dated 21.09.2017 in W.P.No.16904 of 2015, would contend that this Court had categorically held that the period prescribed under Section 153 of the *Tamil Nadu Co-operative Societies Act, 1983* is not a period of limitation, but, is only directory in nature for expeditious filing and disposal of the case. In view thereof, when a Revision Petition is filed, as per the dictum in the said judgment, the respondents ought to have dealt with the same on merits.

4. Per *contra*, *Mrs.K.Vasantha Mala*, learned Government Advocate for the third respondent, by relying upon paragraph Nos.7 and 8 of the counter-affidavit, would submit that when the petitioner was overlooked and his juniors were promoted, aggrieved by the same, he already filed a

¹ 2012 (4) CTC 257



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Revision Petition and the same was dismissed earlier on 18.10.2013. While so, for the very same relief, this present Revision is filed belatedly for the second time and is accordingly disposed of.

5. I have considered the rival submissions made on either side and perused the material records of the case.

6. Even as per the contention of the petitioner, the cause of action for the petitioner to claim promotion arose in the year 2001 as the alleged juniors of the petitioner have been promoted as Junior Clerks with effect from 01.04.2001. Therefore, the petitioner ought to have taken up the issue immediately thereafter. In any event, it can be seen that the petitioner also filed a Revision Petition and the same was dismissed on 18.10.2013. Unless the said order has been further assailed, a second Revision Petition once again for the same relief would not be maintainable as the petitioner's claim is already decided by the earlier Revision Petition. Therefore, the contention raised by the learned Counsel for the petitioner that the second Revision Petition is dismissed on the ground of delay, cannot be countenanced.



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7. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index : yes
Speaking order
Neutral Citation : no
grs

To

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