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W.P.No.15870 of 2016

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 16.12.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER  
KUMAR, J.**

**W.P.No.15870 of 2016**

M.Gulam Ahmed

...  
Vs.

Petitioner

1.The Additional Chief Secretary,  
Industries Commissioner and  
Director of Industries and Commerce/  
Registrar of Industrial Co-operatives,  
SIDCO, Complex,  
Thiru.Vi.Ka.Industrial Estate,  
Guindy, Chennai – 600 032.

2.The Special Officer,  
The Tamil Nadu Industrial Co-operative  
Bank Ltd., No.36, South Canal Bank Road,  
Mandavelipakkam, Raja Annamalaipuram,  
Chennai – 600 028.

...

Respondents

**PRAYER:** This writ petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the proceedings in Rc.No.8107/ICS/2015, dated 25.02.2015, signed on 25.02.2016, on the file of the first respondent herein, and to quash the same, and direct the first respondent herein to take up the Memorandum of Revision Petition dated 16.12.2014 made to him preferred against the order dated 31.10.2014 passed in Estt/E/PL-Sivakasi/2011-12, on the file of the second respondent herein, and to dispose of the same on merits in accordance with law and after notice to the petitioner, within a time frame as may be fixed by this Hon'ble Court.



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|                 |     |                                     |
|-----------------|-----|-------------------------------------|
| For Petitioner  | ... | Mr.Sai Srujan Tayi                  |
| For Respondents | ... | Mr.P.Ganesan<br>Government Advocate |

### **ORDER**

This writ petition has been filed challenging the proceedings bearing Rc.No.8107/ICS/2015, dated 25.02.2015, signed on 25.02.2016, issued by the first respondent, whereby, the revision dated 16.12.2014 filed by the petitioner against the proceeding in Estt/E/PL-Sivakasi/2011-12, dated 31.10.2014 issued by the second respondent intimating the petitioner that no subsistence allowance is payable to the petitioner as there was no provision either by law or under the provisions of the Act was dismissed.

2.The revision petition filed by the petitioner against the proceedings dated 19.11.2014 was refused to be entertained on the ground of delay in filing the said revision petition. Through the proceedings dated 19.11.2014, respondent No.2 required the petitioner to submit his explanation to the charge memo dated 24.02.2012 to enable the respondent No.2 to finalise the disciplinary proceedings. Aggrieved by the same, the petitioner filed a



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revision petition under Section 153 of Tamil Nadu Cooperative Societies

Act, 1983. The power of Registrar under Section 153 of the said Act is that he can call for records of any officer, board or registered society and examine the correctness or otherwise of said proceedings.

3. In the instant case, that the petitioner only filed a revision against a communication dated 19.11.2014 whereby the petitioner was required to submit his explanation in respect of the charge memo. In view of the same, the petitioner filing a revision against the memo calling for his explanation does not arise. Though the respondent No.1 had refused to entertain the revision petition on the ground of filing the same beyond the period of 90 days and this Court is not convinced with such a reasoning, this Court is not inclined to grant the relief sought either by interfering with the impugned order dated 25.02.2015 as there is no substantial issue involved. The petitioner has to submit his explanation to the charge memo and then allow the second respondent to take a final decision and thereafter, he will have an opportunity to avail the remedy of revision in case aggrieved by such final decision. In the circumstances, this Court does not find it fit to exercise



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its jurisdiction by interfering with the impugned order Accordingly, the writ petition is dismissed. However, petitioner is at liberty to take all the defences on all the grounds that are available to him while submitting his explanation to the charge memo dated 24.02.2012. The said explanation shall be submitted within a period of six weeks from the date of receipt of a copy of this order. No costs.

Index : Yes/No  
Internet : Yes/No  
sms

**16.12.2024**

To

- 1.The Additional Chief Secretary,  
Industries Commissioner and  
Director of Industries and Commerce/  
Registrar of Industrial Co-operatives,  
SIDCO, Complex,  
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**MUMMINENI SUDHEER KUMAR, J.**

sms

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