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W.P.No.7006 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.7006 of 2020

and

W.M.P.No.8356 of 2020

K.Raghunathan

...Petitioner

-Vs-

1.The Joint Registrar of Co-operative Societies,
Ranipet District,
Ranipet.

2.The Deputy Registrar of Co-operative Societies,
Ranipet,
Ranipet District.

3.The President,
C-1247, Kaniyanoor Primary Agricultural Co-operative Bank,
Kaniyanoor Village,
Arcot Taluk,
Ranipet District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, to call for the records of the first respondent passed in Na.Ka.No.1258/17A2 dated 01.03.2019 and the order passed in



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Na.Ka.No.3905/2019/A2 dated 16.12.2019 and quash the same consequentially direct the first respondent to pass order on merits on petitioner revision petitions in Na.Ka.No.1258/17A2 dated 01.03.2019 and Na.Ka.No.3905/2019/A2 dated 16.12.2019 and pass such further orders.

For Petitioner : Mr.T.Surendran
For R1 & R2 : Mr.Arumugham
Government Advocate
For R3 : Mr.P.Ganesan
Government Advocate

ORDER

This writ petition is filed to quash the order passed by the first respondent in Na.Ka.No.1258/17A2 dated 01.03.2019 and the order passed in Na.Ka.No.3905/2019/A2 dated 16.12.2019 and consequently direct the first respondent to pass order on merits on petitioner's revision petitions in Na.Ka.No.1258/17A2 dated 01.03.2019 and Na.Ka.No.3905/2019/A2 dated 16.12.2019.

2. The petitioner has been appointed as Clerk/writer on 01.11.1990 at the 3rd respondent Primary Agricultural Co-operative Bank and promoted as Senior Clerk on 01.02.1999 and he is eligible to be appointed as Secretary



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in the 3rd respondent Co-operative Bank. Instead of posting the petitioner, the 3rd respondent posted one M.Settu as Additional Secretary to the Primary Agricultural Co-operative Bank Ltd. The petitioner pointed out to the respondents that the said Settu was not qualified for the said post and that he had furnished forged school certificate without studying the said class and obtained an appointment order in the 3rd respondent Co-operative Bank and the same was confirmed by the Director of School Education, Chennai-6 on verification of the certificate vide communication dated 26.04.2002.

3. The 3rd respondent did not take any action against the said Settu and allowed him to continue as Secretary and transferred the petitioner to the Ranipet Town Co-operative Bank on deputation from 09.09.2008 to 08.09.2011 and thereafter from 13.03.2015 to 31.08.2017. From 06.11.2017 to 31.12.2018, the petitioner was transferred to the Arakkonam Co-operative Urban Bank Ltd.

4. The 2nd respondent vide Na.Ka.No.1247/2014Tho.va dated 02.03.2015 had directed the 3rd respondent herein to appoint the petitioner as Secretary to the Kaniyanoor Primary Agricultural Co-operative Bank. The 3rd



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respondent did not appoint the petitioner as Secretary and failed to take any action against the said Settu. The 3rd respondent issued show cause notice dated 20.07.2015 to the petitioner. The petitioner sent representation dated 28.07.2015 to the 3rd respondent seeking to furnish the documents to submit his explanation to the said show cause notice. The 3rd respondent without furnishing the documents issued a charge memo dated 14.09.2015 and called for explanation within 7 days.

5. The 3rd respondent vide proceedings dated 01.06.2016, appointed Mr.P.Sundar Retired Co-operative Sub-Registrar as Enquiry officer to conduct an enquiry against the petitioner. The enquiry officer issued summon to the petitioner and the petitioner engaged an advocate to participate in the enquiry proceedings.

6. The petitioner's counsel sent a letter dated 15.02.2017 to the 3rd respondent to stop the enquiry proceedings in view of the revision petition filed before the Joint Registrar of Co-operative Societies, Vellore, against the notice dated 08.02.2017 passed by the 3rd respondent. The enquiry officer without providing him sufficient opportunity, submitted *ex-parte* enquiry



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report to the 3rd respondent. Based on the said *ex-parte* report, the 3rd respondent passed the order dated 23.02.2017 against the petitioner.

7. Learned counsel appearing for the petitioner would submit that the petitioner's revision petition dated 14.02.2017 came up for hearing on 17.12.2018 before the Joint Registrar of Co-operative Societies, Vellore, in view of the submission of the 3rd respondent that final orders had been passed on the charge memo dated 14.09.2015, recorded the same and closed the revision petition on 01.03.2019. Before the 1st respondent passed the order dated 01.03.2019, the petitioner filed Writ petition before this Court in W.P.No.2971 of 2019 to quash the order dated 23.02.2017 passed by the 3rd respondent. This Court by an order dated 04.03.2019 dismissed the writ petition on the ground that the petitioner has to move for revision under section 153 of the Tamil Nadu Cooperative Societies Act before the 1st respondent. Pursuant to which the petitioner filed a revision petition and the same was dismissed on 16.12.2019 on the ground of delay.

8. Learned counsel would further submit that since the revision petition was not decided on merits and it was rejected on the ground of delay,



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the revision petition may be considered on merits and the matter may be remitted back to the first respondent for fresh consideration.

9. Learned Additional Government Pleader appearing for the respondents submitted that, as contended by the learned counsel for the petitioner, the revision petition was rejected on the sole ground of delay and the matter may be remitted back for fresh consideration.

10. Heard both sides and perused the materials available on record.

11. In the present case, the statutory revision preferred by the petitioner before the first respondent was dismissed on the ground of delay.

12. In view of the above facts and circumstances of the case, this Court is of the considered view that the impugned order passed by the first respondent vide Na.Ka.No.3905/2019/A2 dated 16.12.2019 is liable to be set aside. Accordingly the same is set aside. The matter is remitted back to the first respondent for a fresh consideration on merits, in accordance with law and pass orders within a period of two months



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from the date of receipt of a copy of this order. The petitioner is directed to furnish a copy of the revision petition filed under Section 153 of Tamil Nadu Co-operative Societies Act, 1983 to the first respondent.

In the result, the writ petition stands disposed of with the above observations and directions. No costs. Consequently connected miscellaneous petition is closed.

21.12.2024

cda

Index : Yes/No

Speaking/Non Speaking order

To

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