



WEB COPY



W.P.No.7122 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2024

CORAM:

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

W.P.No.7122 of 2024

R.Varadharaj

.....

Petitioner

Vs

The Joint Registrar of Cooperative Societies,
Erode Region,
Erode.

.....

Respondent

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorrified Mandamus to call for the records relating to the impugned order passed by the respondent in Na.Ka.No.382/2024 Sa.pa dated 12.01.2024 under Section 153 of Tamil Nadu Co-operative Society Act 1983 and quash the same and consequently remand back to the respondent to entertain the statutory revision and dispose the same on merits in accordance with law.

For Petitioner : Mr.L.P.Shanmugasundaram

For Respondent : Mr.P.Sathish

Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the order dated 12.01.2024 passed by the respondent, thereby rejected the revision filed by the petitioner under Section 153 of the Tamil Nadu Co-operative Societies Act,



1983 on the ground that the revision was filed belatedly after a period of 287 days.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner was appointed as Packer on 07.08.2017. Subsequently, he was promoted to the post of Salesman and Junior Clerk. While being so, there was an enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act. Pursuant to the enquiry report, the petitioner was served with a charge memo consisting of two charges dated 19.05.2022. After due domestic enquiry, the petitioner was dismissed from service on 02.02.2023. Aggrieved by the same, the petitioner filed a revision petition before the respondent under Section 153 of the Tamil Nadu Co-operative Societies Act. However, he filed the revision with a delay of 287 days. Therefore, it was dismissed on the ground that it was filed belatedly since the respondent has no power to condone the delay as per Section 153 of the Tamil Nadu Co-operative Societies Act. The petitioner ought to have submitted the revision with a period of 90 days. However, this Court repeatedly held that the provision under Section 153(1) of the Act as the Revisional Authority is not a Court and the



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Revision preferred under Section 153 of the Act cannot be equated to a Revision preferred under the Code of Civil Procedure.

4. The learned Additional Government Pleader appearing for the respondents would submit that the delay was occurred for the reason that the petitioner was absconded in order to escape from the criminal proceedings. Further, the petitioner failed to explain the delay with proper reason.

5. In view of the above, the respondent is directed to entertain the revision and pass orders on merits and in accordance with law, after giving an opportunity of hearing to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of.

No costs.

20.03.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
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G.K.ILANTHIRAIYAN. J,

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To
The Joint Registrar of Cooperative Societies,
Erode Region,
Erode.

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20.03.2024