



WEB COPY



W.P.No.7562 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE VIVEK KUMAR SINGH

W.P.No.7562 of 2022

P. Thangavel

...Petitioner

vs.

1. The Joint Registrar of Cooperative Societies,
Salem Region, Salem, Salem District.

2. The Administrator/Cooperative Sub Registrar,
S.777, Nagavalli Primary Agricultural
Cooperative Credit Society,
Nangavalli Post, Mettur Taluk,
Salem District.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.No.9672/2021 Sa.Pa, dated 15.03.2022 and quash the same and consequently direct the 1st respondent to entertain Statutory Revision and dispose the same on merits.

For Petitioner : Mrs.R.Hemalatha
for Mr.C.Prakasam

For Respondents : Mr.Ganesan
Government Advocate for R1
: Mr.V.Baranidharan
Additional Government Pleader for R2



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ORDER

This writ petition has been filed challenging the impugned order passed by the first respondent in proceedings Na.Ka.No.9672/2021 Sa.Pa dated 15.03.2022 and to quash the same. Consequently, to direct the first respondent to entertain Statutory Revision and dispose the same on merits.

2. The case of the petition is that the petitioner was initially appointed as a Night Watchman in the office of the second respondent Society in the year 1986. Subsequently, he was promoted to Salesman and thereafter, to Clerk in the year 1999. While the petitioner discharging his duties, the petitioner was issued with a charge memo for misappropriation of money and suspended from service on 07.11.2016. The second respondent passed a termination order on 29.01.2021 without disbursing the subsistence allowance. Against the termination order dated 29.01.2021, the petitioner preferred a statutory revision before the first respondent on 08.11.2021 under Section 153 of the Tamil Nadu Cooperative Societies Act, 1983, but it was rejected on the ground of limitation. Aggrieved by this decision, the petitioner has filed the present petition.

3. Ms.R.Hemalatha, learned representing counsel appearing for the petitioner submitted that the petitioner's revision petition before the first



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respondent is maintainable under Section 153 of the Tamil Nadu Cooperative Societies Act, 1983. Hence, she prayed this Court to allow the writ petition.

4. The learned Government Advocate appearing for the first respondent submitted that the respondents had rejected the petitioner's revision petition on the ground that it was not filed within the prescribed time limit and hence submitted that the present writ petition has to be dismissed.

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

6. Considering the submissions made by the learned counsel for the petitioner and based on the Section 153 of the Tamil Nadu Cooperative Societies Act, 1983, this Court is of the view that the petitioner shall file a fresh revision petition before the Competent Authority, within a period of one month from the date of receipt of a copy of this order and the Competent Authority is directed to dispose of the same in accordance with law within a period of two months therefrom. The delay in filing the revision petition is also hereby condoned by this Court.



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VIVEK KUMAR SINGH. J.

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7. With the above observations and directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

15.11.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Cases : Yes/No
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To

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