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Writ Petition No.21687 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.21687 of 2024

G.Siva

S/o.Gajendran

... Petitioner

Vs.

1.Joint Registrar of Cooperative Societies
Thiruvallur Zone,
Thiruvallur.

2.Cooperative Sub-Registrar/Special Officer,
JJ 166 Devadanam Primary Agriculture
Cooperative Credit Society,
Devadanam Village and Post,
Ponneri Taluk, Thiruvallur District.

3.Deputy Registrar of Cooperative Societies,
Ponneri Zone, Hospital Road,
Ponneri, Thiruvallur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the concerned records from the first respondent, quash the order of the first respondent dated 24.06.2024 bearing Aa.The.Mu.1340/2024/A3 as illegal, arbitrary and contrary to law and consequently, direct the first respondent to receive the revision petition dated 15.04.2024 filed by the petitioner under Section 153 of the Tamil Nadu Cooperative Societies



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Act and decide the same on its merits and in accordance with law by giving opportunity to the petitioner within the time frame stipulated by this Court.

For Petitioner : Ms.R.Kamatchi Sundaresan

For Respondents : Mr.M.Rajendran,
Additional Government Pleader
[R1 & R3]
Mr.M.Murali,
Government Advocate [R2]

ORDER

This writ petition has been filed challenging the proceedings of the first respondent dated 24.06.2024 bearing Aa.The.Mu.1340/2024/A3 and for a consequential direction to the first respondent to deal with the revision petition filed by the petitioner under Section 153 of the Tamil Nadu Co-operative Societies Act and decide the same within the time frame fixed by this Court.

2. Heard Ms.R.Kamatchi Sundaresan, learned counsel for petitioner, Mr.M.Rajendran, learned Additional Government Pleader appearing for respondents 1 and 3 and Mr.M.Murali, learned Government Advocate appearing for second respondent.



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3. The case of the petitioner is that the petitioner participated in the selection process for the post of office assistant. The second respondent, by order dated 04.04.2015, appointed the petitioner to the post of office assistant on consolidated pay.

4. The post of clerk was lying vacant and the petitioner was considered for the same and the second respondent through order dated 21.03.2020 promoted the petitioner to the post of attender with effect from 01.03.2020. Pursuant to the same, the petitioner was working in that capacity.

5. The second respondent issued a show cause notice dated 19.03.2024 to the petitioner calling upon the petitioner as to why his initial appointment as office assistant should not be cancelled and as to why he should not be reverted back to the post. By the time the petitioner gave an explanation, the second respondent passed an order on 22.03.2024 by reverting the petitioner back to the post of office assistant. Aggrieved by the same, the petitioner filed a revision petition under Section 153 of the Tamil Nadu Co-operative Societies Act before the first respondent. The first respondent has returned back the petition by



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stating that the petitioner has not remitted the fee of Rs.1,000/-. That apart, the first respondent has also stated that his initial appointment is irregular. Aggrieved by the same, the present writ petition has been filed before this Court.

6. In the considered view of this Court, it is seen that the petitioner has actually paid the required fees of Rs.1,000/-, which is evident from the e-challan dated 15.04.2024. Therefore, the first respondent ought to have dealt with the revision petition in line with Section 153 of the Tamil Nadu Co-operative Societies Act. The first respondent, while returning the revision petition, has not only pointed out to the non-payment of fees but has also gone into the merits of the case, which is not permissible. In view of the same, this Court is inclined to interfere with the order of the first respondent, dated 24.06.2024 and remand the matter back to the file of the first respondent.

7. In the light of the above discussion, the impugned proceedings of the first respondent dated 24.06.2024 bearing Aa.The.Mu.1340/2024/A3, is hereby set aside. The matter is remanded back to the file of the first respondent. The petitioner is permitted to re-



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present the revision petition within a period of two (2) weeks from the date of receipt of a copy of this order. On receipt of the same, the first respondent shall deal with the revision petition on its own merits and in accordance with law and take a final decision within a period of twelve (12) weeks from the date of representation of the revision petition.

In the result, this writ petition is allowed with the above direction. No costs.

05.08.2024

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order
gm

To

- 1.The Joint Registrar of Cooperative Societies,
Thiruvallur Zone,
Thiruvallur.
- 2.The Cooperative Sub-Registrar/Special Officer,
JJ 166 Devadanam Primary Agriculture
Cooperative Credit Society,
Devadanam Village and Post,
Ponneri Taluk, Thiruvallur District.
- 3.The Deputy Registrar of Cooperative Societies,
Ponneri Zone, Hospital Road,
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N.ANAND VENKATESH, J

gm

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