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W.P.No.24843 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.24843 of 2024

V.Dhanavel

.. Petitioner

Vs.

- 1.The Joint Registrar of Cooperative Societies,
o/o the joint Registrar of cooperative,
Beach Road, Cuddalore Zone,
Cuddalore.
- 2.The Deputy Registrar of Cooperative Societies,
Cuddalore Region,
Cuddalore.
- 3.The Special Officer,
II.547 Sirumangalam Primary Agricultural
Cooperative Credit Society,
Sirumangalam Post,
Thitakudi Taluk, Cuddalore District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records orders of the 1st respondent bearing A.Thi.Mu.No.6103/2023, ThuVaTha.1 dated 18.03.2024 and to quash the same and consequently direct the 1st respondent to entertain review application dated 27.10.2023 on merits.



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For petitioner : Mr.G.Ilamurugu
For RR 1 & 2 : Mr.T.M.Rajangam
Government Advocate
For R3 : Mr.L.S.M.Hasan Fizal

ORDER

Considering the limited issue raised in this writ petition, the main writ petition is taken up for final hearing.

2.The petitioner has challenged the proceedings dated 18.03.2024 of the 1st respondent wherein the petition filed by the petitioner with a nomenclature “revision” was returned as not maintainable, since, it was not filed within the period of limitation.

3.Heard the learned counsel for the petitioner, learned Government Advocate for the respondents 1 & 2 and the learned counsel for the 3rd respondent.

4.The petitioner was working as a Clerk by holding the additional charge of the Secretary. The 3rd respondent issued a charge memo dated 26.10.2021 by framing 9 charges against the petitioner. The 3rd



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respondent by an order dated 27.05.2022, terminated the petitioner from service.

5.The petitioner aggrieved by the same, filed a revision petition before the 1st respondent under Section 153 of the Tamil Nadu Cooperative Societies Act (for brevity hereinafter referred to as 'the act'). The 1st respondent through proceedings dated 26.10.2022 interfered with the punishment and modified the same as withholding of increment for a period of three years with cumulative effect. The 1st respondent also held that the period of suspension must be regularized and the period of termination must be considered as a period of no work and no pay.

6.The petitioner filed a petition once again under Section 153 of the Act before the 1st respondent. The 1st respondent through the impugned proceedings dated 18.03.2024 has returned back the papers on the ground that the petition has not been filed within limitation and that there is no scope for interfering with the earlier order under Section 153 of the Act. Aggrieved by the same, the present writ petition has been filed before this Court.

7.The learned counsel for the petitioner submitted that due to



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inadvertence, a wrong nomenclature was given to the petition as 'revision' instead of 'review' and the petitioner wanted to file a review under Section 154 of the Act.

8.Taking into consideration the facts and circumstances of the case and also considering the nature of grievance that has been raised by the petitioner, this Court is inclined to grant liberty to the petitioner to file a review under Section 154 of the Act to review the order passed by the 1st respondent on 26.10.2022. This review petition shall be filed within a period of four (4) weeks from the date of receipt of a copy of this order. On such filing, the same can be decided by the 1st respondent on its own merits and in accordance with law within a period of twelve (12) weeks thereafter.

9.This Writ Petition is disposed of with the above terms. No costs.

29.08.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No



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N.ANAND VENKATESH, J.



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