



W.P.No.10481 of 2017

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2024

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.No.10481 of 2017
and CMP.No. 11377 of 2017

L. Palani

... Petitioner

Vs.

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

2. The President

E-2028, Kandamandi Primary Agriculture
Co-operative Credit Society
Kandamandi Post,
Villupuram Taluk and District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, to issue Writ of Certiorari to call for the records relating to the order passed by the 1st respondent in Na.Ka.606/2016/SaPa, dated 05.12.2016 and quash the same and consequently direct the respondents to reinstate the petitioner in service with all attendant benefits in a time bound manner.



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For Petitioner : Mr.R.Karunakaran
For Respondents : Mr.V.Nanmaran
Additional Government Pleader

ORDER

This writ petition is filed for issuance of a Writ of Certiorari to call for the records relating to the order passed by the 1st respondent in Na.Ka.606/2016/SaPa, dated 05.12.2016 and quash the same and consequently direct the respondents to reinstate the petitioner in service with all attendant benefits in a time bound manner.

2. Aggrieved by the termination order dated 21.01.2016 passed by the 2nd respondent the petitioner filed revision petition before the 1st respondent and the 1st respondent vide impuged order dated 05.12.2016 dismissed the revision petition. Aggrieved by the same, the petitioner has filed the above writ petition.

3. At the time of hearing, the learned counsel for the petitioner drew the attention of this Court to para 8 of the counter affidavit filed by the 2nd respondent which is extracted below:-

“8. If the petitioner aggrieved by the order dated 05.12.2016



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made by the first respondent under Section Revision Petition 153 of the Act, 1983 he ought to have preferred Revision Petition before the Government. Without availing the statutory remedy available to him by way of filing Revision Petition under Section 153 of the Tamil Nadu Cooperative Societies Act, 1983 before the Additional Chief Secretary to Government, Cooperation, Food and Consumer Protection, Secretariat, Chennai/Revisional Authority under Section 153 of the Act, 1983 the petitioner hastily approached and filed this writ petition. It is humbly submitted that the writ petition filed by the petitioner is not maintainable either in law or on facts in terms of Full Bench Judgment of this Hon'ble Court which was reported in 2006(4) CTC 689 of Marappan case as alternative remedy available under Section 153 of the Tamil Nadu Cooperative Societies Act, 1983”.

The learned counsel relying on the aforesaid pleading of the respondent prayed that liberty may be given to the petitioner to approach the revisional authority i.e., Additional Chief Secretary to Government, Cooperation, Food and Consumer Protection, Secretariat, Chennai 600 009 under Section 154 of the Tamil Nadu Cooperative Societies Act, 1983.

4. Considering the limited prayer of the learned counsel for the petitioner, the writ petition is disposed of with liberty to the petitioner to approach the Revisional Authority i.e., Additional Chief Secretary to Government, Cooperation, Food and Consumer Protection, Secretariat, Chennai



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600 009 under Section 154 of the Tamil Nadu Cooperative Societies Act, 1983.

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It is made clear that the period spent in prosecuting the writ petition shall be excluded under Section 14 of the Limitation Act and the revision shall be disposed on merits and in accordance with law.

5. With the above direction the writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is also closed.

05.09.2024

dpq

Index : Yes /No

Speaking Order : Yes/No

To

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

2. The President

E-2028, Kandamandi Primary Agriculture
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N. MALA, J.

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