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W.P.No.29153 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.29153 of 2024

K.Prabhakaran

.. Petitioner

Vs.

1.The Joint Registrar,
Office of the Co-operative Society,
Perambalur Zone,
Perambalur.

2.Pujangarayanallur Agricultural Co-Operative
Credit Society (TYSPL77),
Now represented by its Special Officer,
Pujangarayanallur Village,
Alathur Taluk,
Perambalur 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 of the order passed by the 1st respondent in his proceeding bearing Na.Ka.No.3171/2024/Sa.Pa dated 02.08.2024 and quash the same and to direct the 1st respondent to take the revision filed by the petitioner dated 12.01.2024 (12.07.2024 as Impugned Order) on file without reference to the delay in filing the revision and to pass appropriate orders within a time frame fixed by this Court.



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For petitioner : Mr.G.Ilamurugu
For R1 : Mr.V.Nanmaran
Additional Government Pleader
For R2 : Mr.Stalin Abhimanyu
Additional Government Pleader

ORDER

This writ petition has been filed challenging the proceedings of the 1st respondent dated 02.08.2024 and for a direction to the 1st respondent to deal with the revision filed by the petitioner under Section 153 of the Tamil Nadu Co-operative Society Act, on 12.01.2024 on merits and pass orders within a time frame fixed by this Court.

2.Heard the learned counsel for the petitioner, learned Additional Government Pleader for the 1st respondent and the learned Additional Government Pleader for the 2nd respondent.

3.The case of the petitioner is that he was appointed in the 2nd respondent Society as Watchman on compassionate grounds in the year 2007. Subsequently, his services were also regularized and thereafter, he was also promoted as a Clerk with effect from 18.11.2020.



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4.A charge memo came to be issued against the petitioner on 11.05.2023 and the petitioner underwent departmental proceedings which ultimately ended up with an order passed by the 2nd respondent dated 03.08.2023, terminating the petitioner from his service. The petitioner aggrieved by the same, filed a revision before the 1st respondent under Section 153 of the Tamil Nadu Co-operative Societies Act. The said revision petition has been rejected by the 1st respondent on the ground that it has not been filed within a period of 90 days and that already 211 days had expired. It is under these circumstances, the present writ petition came to be filed before this Court.

5.In the considered view of this Court, the petitioner has been terminated from his services by the 2nd respondent Society. In view of the same, the claim made by the petitioner has to be dealt with only on merits and it cannot be rejected on the ground of delay. In view of the same, this Court is inclined to interfere with the impugned order passed by the 1st respondent dated 02.08.2024 and accordingly, the same is hereby quashed.



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6.The delay in filing the revision petition before the 1st respondent is hereby condoned and there shall be a direction to the 1st respondent to deal with the revision petition filed by the petitioner on its own merits and in accordance with law and after affording opportunity to the petitioner and 2nd respondent and final orders shall be passed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7.In the result, this Writ Petition is allowed with the above directions. No costs.

03.10.2024

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Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No

To

1.The Joint Registrar,
Office of the Co-operative Society,
Perambalur Zone, Perambalur.

2.Pujangarayanallur Agricultural Co-Operative
Credit Society (TYSPL77),
Now represented by its Special Officer,
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N.ANAND VENKATESH, J.



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