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W.P.No.33845 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.33845 of 2024

N.Kamalaveni

...Petitioner

Vs

1.The Joint Registrar,
Co-operative Society,
Joint Registrar Office,
407, District Collector Office,
Thirupur-641604.

2.The President,
C.P.99,
Myvadi Narasingapuram,
P.A.C.C.S,
Pallanpatti, Thiruppur District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the impugned order of the 1st respondent in Na.Ka.No.5280/2023/u2 dated 10.07.2024 and quash the same and direct the 1st respondent to number the revision petition.

For Petitioner

: Mr.K.Tharani

For Respondents

: Mr. M.Muthusamy for R1

Government Pleader

Mr.S.Ravichandran for R2

Additional Government Pleader



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ORDER

This Writ Petition has been filed to call for the records of the impugned order of the 1st respondent in Na.Ka.No.5280/2023/u2 dated 10.07.2024 and quash the same and direct the 1st respondent to number the revision petition.

2. Mr.M.Muthusamy, learned Government Pleader takes notice for the 1st Respondent and Mr.S.Ravichandran, learned Additional Government Pleader takes notice for the 2nd respondent. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner was working as salesperson in the CP 99, Primary Agricultural Cooperative Credit Society in Myvadi Narasingapuram for past 26 years. She was appointed on 25.07.1997. While so, the petitioner received a Memorandum of Charges dated 15.04.2023 from the 2nd respondent alleging various charges while she was employed in the service. Subsequently, the petitioner sent a detailed reply dated 10.05.2023 denying all the alleged charges. Without considering the same, the 2nd respondent erroneously passed an order permanently terminating the petitioner from service.



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(ii). On 14.09.2023, a revision petition was filed by the petitioner under Section 153 of the Tamil Nadu Cooperative Societies Act, 1983 before the 1st respondent. However, the said petition was rejected on the ground that the petitioner failed to pay the requisite court fee. The first revision petition was filed within a period of 90 days as mandated under the statute, but only on the ground of insufficiency of court fee, the same was rejected. However, the second revision petition was filed by the petitioner, with a delay of 55 days as there was delay in receiving the order copy. While so, the 3rd revision petition was filed explaining the above said reasons, but without considering the same, the 1st respondent passed the impugned order dated 10.07.2024.

(iii). The 1st respondent has failed to consider that the first revision petition was filed within the time period and only due to the non-payment of the court fee, the same was rejected. However, it cannot be considered as delay for the subsequent petition on payment of the requisite court fee. Hence, the present writ petition.

4. Learned counsel for the petitioner would submit that the 1st respondent has passed the impugned order without taking into consideration of the previously filed revision petition which was



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prima facie rejected only on the ground of non-payment of the court fee.

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He further submitted that if the matter is remanded back for revision before the revisional authority, the petitioner is ready and willing to submit all necessary documents and records for purpose of cancelling the termination order passed by the 1st respondent.

5. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials placed before this Court.

6. Admittedly, the first respondent has passed the impugned order dated 10.07.2024 by stating that there was an inordinate delay in filing of the revision petition and every application to the Registrar or the Government for the exercise of powers under the provisions of the Tamil Nadu Cooperative Societies Act, the revision shall be preferred within a period of ninety (90) days from the date on which the proceedings, decision or order to which the application relates was communicated to the applicant, which is nothing but an erroneous and the same is non application of mind. Hence, the same is liable to be set side.

7. Accordingly, the impugned order dated 10.07.2024 is set aside and the matter is remanded back to the 1st respondent.



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The 1st respondent is directed to number the revision and decide the same on merits and in accordance with law by affording reasonable opportunity of hearing to the petitioner and pass appropriate orders within a period of eight (8) weeks from the date of receipt of a copy of this Order.

8. With the aforesaid direction, this Writ Petition stands disposed of. No costs.

21.11.2024

Index:Yes/No
Speaking order/Non-speaking order
msv

Note: Registry is directed to return the original Memorandum of Charges dated 15.04.2023 to the petitioner upon substituting a copy thereof.

To
1.The Joint Registrar,
Co-operative Society,
Joint Registrar Office,
407, District Collector Office,
Thirupur-641604.

2.The President,
C.P.99,
Myvadi Narasingapuram,
P.A.C.C.S,Pallanpatti, Thiruppur District.



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V.BHAVANI SUBBAROYAN,J.

msv

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