



W.P.No.757 of 20



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 01.12.2025

Pronounced on: 05.12.2025

CORAM

THE HONOURABLE MR.JUSTICE T. VINOD KUMAR

W.P.No.757 of 2019

and

WMP.No.834 of 2019

A.Lourdu Jeyarani

... Petitioner

Vs.

1.The Additional Registrar of Co-operative Societies
Chennai Region, No.91, St.Mary's Road
Abiramapuram, Chennai 18.

2.The Deputy Registrar of Cooperative Societies
(Credit) 3rd Floor, Kuralagam
Chennai 108.

3.The President
Chennai Kancheepuram and
Tiruvallur District Anganvadi Workers



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Cooperative Thrift and Credit Society Ltd.,
XC 253, Chepauk, Chennai -5.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.668/2017/E2, dated 29.06.2017 and quash the same and consequently direct the respondents to reinstate the petitioner into service with all attendant benefits, continuity of service and all attendant monetary benefits including the backwages to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.K.Tamilvendan
Government Advocate for R1 & R2
Mr.L.Chandrakumar for R3

ORDER



Heard, Mr.C.Prakasam, learned counsel for the petitioner and

Mr.K.Tamilvendan, learned Government Advocate for the respondents 1 &2

and Mr.L.Chandrakumar, learned counsel for the 3rd respondent and perused the records.

2. The case of the petitioner in brief is that she was appointed as Clerk-cum-Accountant in the third respondent society in the year 2003; that she was suspended from service on 03.02.2014 alleging that she was not properly discharging her duties; that the third respondent thereafter had served on her charge memo to which she submitted a detailed explanation; that notwithstanding her detailed explanation, the third respondent appointed an Enquiry Officer to conduct enquiry and submit report; that the Enquiry Officer after conducting enquiry submitted report on 30.06.2014 holding the charges as proved; and that based on the aforesaid report, the third respondent by the order dated 28.07.2014 terminated her services.



3. The petitioner contended that aggrieved by the above order of the third respondent, she had filed a revision to the first respondent under Section 153(1) of the Tamil Nadu Cooperative Societies Act, 1983, (herein after referred as the Act/Act, 1983); and that the first respondent vide order dated 20.03.2015 partly allowed the revision petition by setting aside the order of termination and remitted the matter back to the third respondent to pass order on merit by following the procedure and giving opportunity to the petitioner.

4. It is the further case of the petitioner that pending passing of the order afresh, as the third respondent continued her suspension, she had approached this Court and filed W.P.No.17222 of 2015 for payment of Subsistence Allowance including arrears; and that this Court by interim order dated 17.06.2015 directed the respondents to pay Subsistence Allowance from the date of suspension within a period of four weeks from



the date of receipt of a copy of the order and continue to pay the Subsistence

Allowance to the petitioner every month regularly.

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5. The petitioner contended that consequent upon the order dated 20.03.2015 passed by the first respondent remitting the matter back to the third respondent, the third respondent passed order afresh on 30.11.2015 removing her from service with effect from the date of the said order i.e., on 30.11.2015; that aggrieved by the aforesaid order, the petitioner approached the first respondent and filed a revision under Section 153(1) of the Act 1983; that the first respondent by his proceedings dated 19.09.2016 while setting aside the order of termination, modified the punishment to one of stoppage of seven years increment cut with cumulative effect; that on the first respondent passing the aforesaid order setting aside her removal from service, she approached the respondents 2 & 3 and submitted a representation on 24.10.2016 to comply with the said order; that as the said representation submitted did not elicit any response, she has approached this



Court by filing Writ Petition vide W.P.No.17222 of 2015 seeking a direction

to the respondents 2 & 3 to reinstate her into service in the post of Clerk-cum-Accountant and also to give all monetary benefits and continuity of service together with balance Subsistence Allowance arrears, by implementing the order of the first respondent dated 19.09.2016; and that this Court however, without going into the merits of the matter directed the third respondent to consider and dispose of the representation of the petitioner dated 24.10.2016 by taking note of the order of the first respondent dated 19.09.2016 in accordance with law, within a period of six weeks from the date of receipt of a copy of the order and communicate the decision taken to the petitioner.

6. The petitioner further contended that the third respondent in order to take vengeance against the petitioner, for approaching the High Court and filing a Writ Petition and seeking a direction to the said respondent to dispose of the representation of the petitioner dated 24.10.2016 with regard



to implementation of the order dated 19.09.2016, had filed a petition before the first respondent under Section 154 of the Act, 1983 seeking review of the order of the first respondent dated 19.09.2016; that the first respondent by accepting the aforesaid petition filed beyond the time permitted under the Act, 1983 and read with Rule 170 of the Tamil Nadu Cooperative Societies Rules (herein after referred as 'the Rules'), had reviewed his earlier order dated 19.09.2016 in its entirety, whereby order of the third respondent removing her service has been modified into one of stoppage of seven years increment cut with cumulative effect, by withdrawing the same and confirming the original order of the third respondent dated 30.11.2015 by which she was removed from service with effect from 30.11.2015; and that the aforesaid action of the third respondent over turning his own order in its entirety is highly illegal as the same said authority could not have passed order again.



7. The petitioner further contended that since, she has not been afforded with an opportunity of hearing by the first respondent while considering the review petition filed by the third respondent, the impugned order is in violation of principles of natural justice and also contrary to the directions given by this Court in W.P.No.11 of 2017.

8. In support of the contentions, reliance was placed on the decision of the Hon'ble Apex Court in the case of *1) Jaggo Vs. Union of India and Ors, in Civil Appeal No... of 2024 (Arising out of SLP (C) No.5580 of 2024) & M.Sivappa V. State of Tamil Nadu & others – 2025 (2) CTC 1.*

9. Per contra, the learned counsel appearing on behalf of the third respondent contended that the petitioner was appointed on 16.02.2004 on consolidated pay basis; that her services were initially terminated vide order dated 28.07.2014; that on the petitioner approaching this Court and this Court directing the first respondent to entertain the said revision, the first



respondent vide proceedings dated 20.03.2015 had set aside the termination order and directed the third respondent to pass order afresh on merits after affording an opportunity to the petitioner; that the third respondent thereafter passed order dated 30.11.2015 after furnishing copy of enquiry report and also according sufficient opportunity to the petitioner; that aggrieved by the aforesaid order, the petitioner had filed a revision to the first respondent under Section 153 of the Act, 1983; and that the first respondent by the order dated 19.09.2016 while setting aside the order of the third respondent dated 30.11.2015 removing the petitioner from service, had modified the punishment awarded to one of stoppage of the seven years increment cut with cumulative effect.

10. On behalf of the third respondent it is further contended that since, the petitioner was appointed on consolidated pay basis without being put on any scale of pay, the order of the first respondent directing the stoppage of seven years increment cut with cumulative effect cannot be given effect to;

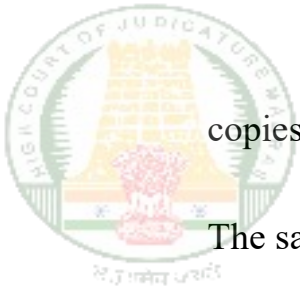


thus, the third respondent on 08.12.2016 filed a review petition under

Section 154 of the Act, 1983 with the Additional Registrar; that on the Additional Registrar returning the said review petition on 11.01.2017, the same was filed before the first respondent and thus, there is no delay in filing the review petition as claimed by the petitioner. Contending as above the 3rd respondent seeks for dismissal of Writ Petition. The learned Government Advocate adopted the arguments of the learned counsel for R3, submitted that the impugned order has been passed by duly considering the petitioner's submission made in writing and thus, seeks for sustaining the order impugned.

11. I have taken note of the respective contentions urged.

12. At the outset, it is to be noted that the petitioner at the time of filing of the Writ Petition had filed nine documents most of which are in vernacular language and on being called upon by this Court to file translated



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copies of the material documents, filed only the following four documents.

The same are;

1) Copy of the Termination order passed by the third respondent along with translated copy dated 28.07.2014; 2) Copy of the order passed by the third respondent whereby passing termination order against the petitioner along with translated copy dated 30.11.2015; 3) Copy of the order passed by the 1st respondent under Section 153 of Tamil Nadu Cooperative Societies Act along with translated copy dated 19.09.2016; and 4) Copy of the impugned order passed by the first respondent along with translated copy dated 29.06.2017.”

13. In addition to the above four documents which were translated into English, the petitioner also relied upon the order of this Court dated 17.06.2015 in W.P.No.17222 of 2015 and the order dated 03.01.2017 in W.P.No.11 of 2017 and the order dated 08.09.2017 passed by this Court in Contempt Petition No.858 of 2017. The aforesaid orders have been considered for disposal of the present case.



14. Though on behalf of the petitioner it is contended that the order dated 19.09.2016 having passed by one T.Balamurugan, Additional Registrar, Chennai Region, in petition filed under Section 153(1) of the Act, 1983, the said Authority could not have passed the impugned order dated 29.06.2017, it is to be noted that the impugned order has been passed in exercise of powers conferred under Section 154 of the Act, 1983.

15. Section 154 of the Act, 1983 deals with 'Review' of the order passed under Section 153 of the Act, 1983. Since, the petitioner by the application filed under Section 154 of the Act, sought for Review of the order dated 19.09.2016 passed by the Additional Registrar, and the power of review can be exercised by the Authority who had passed the order originally and not by any other officer. Fortunately, for the respondent since, there is no change in the Officer and authority, who passed order dated 19.09.2016, the said authority in exercise of power under Section 154 of the Act, passed the impugned order on 29.06.2017. Thus, the contention of the



petitioner that the said authority could not have passed the impugned order in exercise of power of review cannot be accepted as valid challenge.

Accordingly, the contention of the petitioner on this ground is rejected.

16. Insofar as the contention of the petitioner that the first respondent while entertaining the petition filed by the third respondent under Section 154 of the Act, 1983 could not have enhanced punishment, it is to be noted that the first respondent by the impugned proceeding did not enhance the punishment as awarded originally by the third respondent but only modified the direction given in the order dated 19.09.2016 to one of confirming the order of the third respondent. The same is necessitated on account of the ground stated in the review petition, whereby the direction given in the order dated 19.09.2016 was stated to be unimplementable on account of the fact that the petitioner was on a consolidated pay being temporary employee and not on a regular pay scale.



17. Though the petitioner in her written submission submitted to the review petition filed before the third respondent had claimed that her services cannot be termed as temporary on account of letter dated 06.09.2016 issued by the Registrar directing to regularize the services of employees, who are all working as temporary employees till 30.06.2016, the petitioner having been terminated from service initially on 28.07.2014 itself, in the considered view of this Court cannot claim of her services having been regularized pursuant to the aforementioned letter issued subsequently.

18. Further, the petitioner in her letter dated 26.04.2017 filed before the first respondent authority, in response to the notice of review petition had claimed she being in continuous service for 480 days from 2003 to 2015 and therefore, her services should be regularized in terms of G.O.Ms.No.86 dated 12.01.2001; that the petitioner further claimed that the punishment imposed by the first respondent vide order dated 19.09.2016 to seven years increments cut may be modified to the amount of fine or censure by



confirming the order of the first respondent setting aside the order of her dismissal from service. The aforesaid submission on the part of the petitioner amounts to her admitting to the fact of her being on a consolidated pay and her services not being regularized and not being granted any scale of pay as claimed by the third respondent in the review petition.

19. Though on behalf of the petitioner it has been vehemently contended before this Court that it is for the respondents to prove that the petitioner is not being placed in any scale of pay, the aforesaid admission as noted herein above on the part of the petitioner is sufficient to reject the contention advanced on behalf of the petitioner of her being in regular service.

20. Further, as it is the petitioner who has invoked the equity jurisdiction of this Court under Article 226 of the Constitution of India, the initial burden is on the petitioner to make complete disclosure for her to



claim, the respondents are required place the relevant information before this

Court. The petitioner having failed to disclose the aforesaid factual aspects

in the affidavit filed in support of the present Writ Petition cannot claim that

the onus is on the respondents to prove that the petitioner was not granted

scale of pay.

21. Notwithstanding the aforesaid deficiencies in the contention of the petitioner, it is to be noted that against the order of the first respondent passed under Section 153(1) of the Act, 1983, as reviewed under Section 154 of the Act, 1983, the petitioner can avail further remedy of revision to the Government under the same said provision i.e., Section 153 of the Act, 1983. The aforesaid position would be clear from reading of Section 153 of the Act, 1983 reading as under:

Section 153 Revision:

The Registrar may of his own motion or an application, call for and examine the record of any officer subordinate to him of the board of any officer of a registered society or of the competent authority constituted under Sub-Section (3) of



section 75 and the Government may, of their own motion or on application, call for and examine the record of the Registrar, in respect of any proceedings under this Act or the Rules or the by laws not being a proceedings in respect of which appeal to the Tribunal is provided by sub-section (1) of Section 152 to satisfy himself or themselves as to the regularity of such proceedings, or the correctness, legality or propriety of any decision passed or order made therein; and if, in any case, it appears to the Registrar or the Government that any such decision or order should be modified, annulled, reversed or remitted for reconsideration, he or they may pass orders accordingly, (Emphasise supplied by Court)

Provided that every application to the Registrar or the Government for the exercise of the powers under this Section shall be preferred within ninety days from the date on which the proceedings, decision or order to which the application relates was communicated to the applicant. (Emphasise supplied by Court)

(2) No order prejudicial to any person shall be passed under sub-section (1) unless such person has been given an opportunity of making his representations.

(3) The Registrar or the Government, as the case may be, may suspend the execution of the decision or order pending the exercise of his or their power under sub-section (1) in respect thereof. (Emphasise supplied by Court)

(4) The Registrar or the Government may award costs in any proceedings under this Section to be paid either out of the funds of the society or by such party to the application for



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revision as the Registrar or the Government may deem fit.”
(Emphasise supplied by Court)

22. A reading of the aforesaid Section would show that the legislature intended to confer power on Government to review orders passed by ‘Registrar’ either by taking up on their own or on an application filed. This would be evident from the provision, as wherever the term ‘Registrar’ is mentioned the same is followed by the word ‘Government’ and the said words being separated/disjoined by use of term like ‘or’ and ‘and’. This shows that the said Section provides for two stages of revision. The first stage of revision being to the ‘Registrar’ as defined under Section 2 (23) of the Act, 1983. The second stage of revision is against the order of Registrar, to the Government either on their own motion or an application. The only exception provided under the Section is in respect of matters for which appeal to the Tribunal is provided under Section 152(1) Act, 1983.



23. It is trite law that any word employed in a statute is not superfluous or redundant and that Statute has to be construed so that every word has a place. [see: **Grasim Industries Ltd., V. Collector of Customs, Bombay¹; Reserve Bank of India V. Peerless General Finance and Investment Co. Ltd.,²; Renaissance Hotel Holdings Inc. V. B.Vijaya Sai.³]**

24. Applying the principle of harmonious construction and further, in the absence of any demarcation of exercise of power of revision between the Registrar and the Government under the Act or the Rules framed thereunder this Court is of the view that while the first revision is to the Registrar as defined under Section 2(23) of the Act, 2018, a second revision against the said order of the Registrar would lie to the Government.

25. Further, a conjoint reading of the provisions of 153(1) read with 153(3) (4) indicates that while first revision application is pending before the Registrar, the said authority if conferred with power to suspend the



execution of the order impugned on filing the revision application and also award costs, at the second stage it is the Government which can exercise its power on their own motion or an application to examine the correctness of the order passed by the Registrar including suspending the execution of the decision under consideration and also awarding of costs.

26. The aforesaid view of this Court is fortified by the fact that power to suspend the execution of the decision pending exercise of such powers and also awarding of costs is also conferred on the Government under Section 153 (3) (4) of the Act, 1983, which can only be exercised when a revision is provided and pending with the Government and cannot be construed as applicable when Revision is pending with the 'Registrar'.

27. Thus, the petitioner having availed the remedy of revision under 153(1) of the Act, initially before the Registrar, if felt aggrieved by the order by which the said authority had reviewed its order dated 19.09.2016, ought



to have filed second revision to the Government. The petitioner having chose to avail the remedy of Revision provided under the Act and cannot change her path midway.

28. Since, it is not shown to this Court of the petitioner having taken any steps in this regard, except approaching this Court after a lapse of 1½ year from the date of passing of the impugned order by the first respondent, by presenting the present Writ Petition on 08.01.2019 this Court is of the view that the petitioner cannot be permitted to invoke the extraordinary jurisdiction of the Court at her leisure.

29. Though on behalf of the petitioner, it was sought to be urged that on account of the financial poorness of the petitioner, she could not approach this Court at the earliest point of time, the said statement in the considered view of this Court is made only to gain sympathy of this Court, as the record



would show that the petitioner has been knocking the doors of this Court since, 2014 as and when she felt aggrieved.

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30. Insofar as the claim of the petitioner that the review petition having been filed beyond the time prescribed under Section 154 of the Act, 1983 read with Rule 170 of the Rules is concerned, in the impugned order it is recorded that the initial date of filing of the review petition as 08.12.2016 though before a wrong authority and the said authority having returned the same to the third respondent for being presented before the correct authority, the time spent in pursuing the remedy before a wrong forum would have to be excluded in terms of Section 14(2) of the Limitation Act, as held by the Hon'ble Apex Court in the case of *Purni Devi & anr Vs. Babu Ram & anr*, reported in **2024 SCC Online SC 482**.

31. Though the petitioner had claimed that copy of the review petition furnished to her having been signed on 09.02.2017 and the same having



been filed on 14.02.2017 thus, beyond the time prescribed under Rule 170 of

the Rules, the respondents on the other hand contended that the review petition was initially filed on 08.12.2016 before the Additional Registrar in the Office of the Registrar (sales scheme and development) and the said authority having returned the same under cover of letter dated 11.01.2017 and the third respondent thereafter having presented the same before the correct Authority, the said aspect would be one of a factual dispute which cannot be gone into the Writ Petition filed under Article 226 of the Constitution of India and need to be agitated before the concerned authority in an appropriate proceeding.

32. Insofar as the reliance placed on the decision of the Hon'ble Apex Court as well as Full Bench of this Court are concerned, it is to be noted that the same relate to regularization of the services and did not deal with the scope of Section 153 or the power of the Court to interfere with the punishment awarded. In this regard, useful reference may be made to the



decision of the Hon'ble Apex Court in the case of ***B.C.Chaturvedi Vs.***

Union of India and others, reported in (1995) 6 SCC 749, wherein, it has

been held that the power of Court and Tribunals to interfere with penalty imposed by the employer is restricted. Thus, the decisions relied upon by the petitioner does not the advance her case.

33. In view of the aforesaid analysis and discussion, this Court is of the view the present Writ Petition as filed is devoid of merits. Accordingly, the Writ Petition is dismissed. However, it is open for the petitioner to workout remedies open to her in law, if so advised. No costs. Consequently, connected Miscellaneous Petition is closed.

05.12.2025

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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T. VINOD KUMAR, J.

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Pre-Delivery Order in
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