



WEB COPY



W.P.No.4016 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:17.12.2025

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.4016 of 2024

Thirugnanasambandam

... Petitioner

Vs

1.The Joint Registrar,
Office of the Joint Registrar of
Cooperative Society,
Namakkal Region,
Nmakkal-637003.

2.The Deputy Registrar,
Office of the Deputy Registrar of
Cooperative Society,
Namakkal Circle,
Namakkal-637003.

3.Primary Agricultural Cooperative Credit Society,
Devarayapuram Post,
Namakkal District,
Namakkal-637021.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus and call for the records to quash the order made in Na.Ka.No.1530/2010 dated 20.10.2023 passed by the 1st respondent and consequently direct the 1st respondent to consider the appeal preferred by the petitioner on 27.04.2023 on merits within a timeframe as may be fixed by this Hon'ble Court.



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For Petitioner : M/s.D.Jagajothi

For Respondents : Mrs.M.Geetha Tamaraiselvan,
Special Government Pleader for RR-1 to 3

ORDER

Challenging the order passed by the 1st respondent, in and by which, the appeal filed by the petitioner has been dismissed on the ground of delay, the present Writ Petition has been filed.

2. The petitioner, who was retired as Secretary on 30.06.2007 from the 3rd respondent society, filed a petition under Section 90 of the Tamil Nadu Cooperative Societies Act, 1983 before the 2nd respondent seeking arrears of salary due and payable to him in which. By order dated 24.05.2010, the 3rd respondent was directed to disburse the arrears of salary to the tune of Rs.2,29,606/- to the petitioner on or before 30.06.2011. By order dated 11.06.2012, only a sum of Rs.62,600/- was paid to the petitioner after effecting certain deductions. Aggrieved by which, the petitioner filed another petition under Section 90 of the Act read with Section 107 of the Tamil Nadu Cooperative Societies Rules, 1988 before the 2nd respondent claiming payment of actual amount as per the order dated 24.05.2010 and the said claim was rejected by order dated 18.04.2023 on the ground of delay. Aggrieved by which, the petitioner preferred an appeal before the 1st respondent which has been dismissed by impugned order dated 20.10.2023 on the ground of delay.



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Challenging the same, the present Writ Petition has been filed.

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3. Learned counsel appearing for the petitioner submitted that, though the petitioner had substituted sufficient reasons for delay in preferring the appeal by setting out the facts for not referring the dispute within the prescribed time, however, without considering the same, the 1st respondent has mechanically passed the impugned order thereby dismissing the appeal filed by the petitioner and thus, the impugned order of the 1st respondent suffers from error and is liable to be set aside. Accordingly, he prayed for allowing the Writ Petition.

4. Learned Special Government Pleader appearing for the respondents submitted that, admittedly, earlier dispute was raised by the petitioner in the year 2010 in Application No.931/2010. Pursuant to the order passed by the Competent Authority, a sum of Rs.62,600/- was disbursed in favour of the petitioner by way of cheque after deduction of certain dues payable by the petitioner. Even, at the time of receiving the cheque, no protest was made by the petitioner. Further, the petitioner has preferred the appeal after a lapse of 12 years, which is beyond the prescribed period of limitation of six years and, the appellate authority have power to condone the delay in terms of Section 19(3)(b) of the Act only if sufficient cause is shown by the petitioner for such delay however, the petitioner has not shown sufficient cause for not preferring the appeal within the prescribed time. Accordingly, he prayed for dismissal of the Writ Petition.



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5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. It is the admitted case of the petitioner that there was a delay in preferring the appeal under the Act. It is the specific case of the respondents that, even at the time of receiving the cheque in respect of the disputed amount of Rs.62,600/- no protest was made by the petitioner and that the petitioner has preferred the appeal after a lapse of 12 years which is beyond the period of limitation of six years and that no sufficient cause has been shown for the inordinate delay.

7. However, it is evident from the materials on records that the petitioner has not chosen to prefer an appeal within the period of limitation. Even as per the statute, the appellate authority has no power to entertain the appeal filed beyond the period of six years. If this Court accedes to the relief prayed for by the petitioner, it would not only be stepping into the shoes of the appellate authority but would also be an act beyond the statute. Further, the petitioner has not shown any exceptional circumstance which warrants the invocation of the extraordinary jurisdiction of this Court. When the petitioner has failed to exercise diligence in preferring the appeal on time, this Court cannot grant any concession to the petitioner by invoking its extraordinary jurisdiction. In such view of the matter,



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this Court is not inclined to grant relief as sought for by the petitioner and this Writ Petition deserves to be dismissed.

8. For the reasons aforesaid, the Writ Petition is dismissed. There shall be no order as to costs.

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Index : Yes / No

Speaking Order / Non-speaking order

Neutral Citation Case : Yes / No

Nhs



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M.DHANDAPANI, J

Nhs

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