



W.P.Nos. 34649 and 34650 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 31.01.2025

Coram:

THE HONOURABLE Mrs.V.BHAVANI SUBBAROYAN

W.P.Nos.34649 and 34650 of 2024

D.Sethuraman
S.Vimala

...Petitioner in W.P.No.34649 of 2024
...Petitioner in W.P.No.34650 of 2024

Vs.

The Joint Registrar of Co-operative Societies,
Thiruvannamalai Region,
Thiruvannamalai.

...Respondent in both the petitions

Prayer in both the petitions: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the respondent in Na.Ka.Nos.4704/2024Sa.pa. and 4703/2024Sa.pa Dated 29.10.2024 under Section 154 of Tamilnadu Co-operative Society Act, 1983 and quash the same and consequently remand back to the respondent to entertain the statutory review and dispose the same on merits in accordance with law.

For Petitioners : Mr.L.P.Shanmugasundaram

For Respondent : Mr.V.Manoharan
Additional Government Pleader



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COMMON ORDER

Since the issue involved in both the petitions are one and the same, they are taken up together and a common order is being passed.

2. The brief facts of the case, as averred by the petitioner in W.P.No.34649 of 2024 are as follows:-

(i) The petitioner was appointed as clerk in the Society on 09.10.1995 and promoted as Assistant Secretary and incharge secretary respectively on 01.02.2013 and 12.05.2021. The Deputy Registrar of Co-operative societies ordered Section 81 enquiry on 07.11.2022 with regard to affairs of the society and based on the recommendation, the charge memo was issued by the society on 20.10.2022 consisting of 4 charges. Thereafter, the Society dismissed the petitioner from service on 28.02.2023. Aggrieved by the order of dismissal, the petitioner filed Revision before the Regional Joint Registrar of Co-operative Societies, Thiruvannamalai and the same was dismissed on 29.10.2024, which is impugned in the present Writ Petition.



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3. The brief facts of the case, as averred by the petitioner in W.P.No.34650 of 2024 are as follows:-

(i) The petitioner was appointed as Salesman in the Society on 14.07.2010 and promoted as Junior Clerk and Additional incharge cashier respectively on 14.07.2014 and 30.08.2017. The Deputy Registrar of Co-operative societies ordered Section 81 enquiry on 07.11.2022 with regard to affairs of the society and based on the recommendation, the charge memo was issued by the society on 20.10.2022 consisting of 4 charges. Thereafter, the Society dismissed the petitioner from service on 28.02.2023. Aggrieved by the order of dismissal, the petitioner filed Revision before the Regional Joint Registrar of Co-operative Societies, Thiruvannamalai and the same was dismissed on 29.10.2024, which is impugned in the present Writ Petition.

4. The learned counsel for the petitioners submitted that the respondent, who is the revision and review authority without going into the merits of the case, has rejected the review petitions on the ground that the review petitions were not in compliance of Rule 170 of Tamilnadu Co-operative Societies Rules, 1988 and on limitation period since the revision orders were challenged beyond 90 days from the date of passing, which is impugned order. Further, the learned counsel relied on the Judgment of this Court reported in **2012 (4) CTC 257**,



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N.P.Palanisamy Vs.State of Tamilnadu and 3 others, wherein this Court has held that the proviso to Section 153 of TNCS Act and Review r/w 170 of Rules 1988 is only a directive and not mandatory and allowed the Writ Petition, thereby pleaded to allow the present petitions.

5. The learned Additional Government Pleader appearing for the respondent would contend that the petitioners filed a review application dated 07.10.2024 under Section 154 of the Tamilnadu Co-operative Societies Act, 1983 and the same was without discovery of new and important matter or evidence and there is no mistakes or error apparent on the face of record. Also the review applications were submitted after 90 days from the date of receipt by the applicants for review of the order, to which the application relates, thereby pleaded to dismiss the petitions.

6. It is to be noted that in a similar circumstances, this Court in the decision reported in **2012 (4) CTC 257, in the case of N.P.Palanisamy Vs. State of Tamil Nadu and others**, held as follows:

"From the above judgment, it is crystal clear that an employee of a co-operative society has got remedies available both under the provision of the Tamil Nadu Cooperative Societies Act as well as under the Industrial Disputes Act. In a given case, suppose, an



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employee who has got both remedies available for him approaches the Labour Court by raising an industrial dispute regarding his termination from service, under the Industrial Disputes Act, there is no limitation and therefore, he can raise the dispute within a reasonable time. If for any reason, he chooses to file a Revision under Section 153 of the Act, belatedly, it cannot be said that his remedy is barred by limitation. It cannot be said that while enacting Section 153 of the Act, the legislature was unaware of the provisions of the Industrial Disputes Act. When there is no period of limitation for an employee to raise an industrial dispute, I am firm in my view that there shall be no such period of limitation for him to file a Revision under the Co-operative Societies Act. Therefore, if we read Section 153 of the Act, in the context of the remedies available under the Industrial Disputes Act, it will surely give the impression that what is contained in the proviso to Section 153 of the Act, is not at all mandatory and it is only directory."

7. In view of the said legal position, which has been enunciated in the said judgment, there can be no impediment for the petitioners to approach the Revisional Authority, even at this stage. Hence, the petitioners are given liberty to approach the Revisional Authority by filing fresh revisions, as against the impugned order within a period of four weeks from the date of receipt of copy of this order. When once such Revision is filed before the Revisional Authority, the same shall be taken on file without raising any limitation in preferring revision



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before the Revisional Authority and revision shall be considered on merits and in accordance with law. It is made clear that since such decision has to be made by the Revisional Authority in the Revision to be filed by the petitioners, the impugned order shall not be given effect to till the disposal of the revision.

In view of the above, the Writ Petitions are disposed of. No Costs.

31.01.2025

Index : Yes / No;
Internet : Yes / No
Speaking Order / Non Speaking Order
ssd

To

The Joint Registrar of Co-operative Societies,
Thiruvannamalai Region,
Thiruvannamalai.



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V.BHAVANI SUBBAROYAN, J.

ssd

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