



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-12-2025

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CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRP(PD)No. 6574 of 2025

AND

CMP NO. 32518 OF 2025

1. The Commissioner/Director Of Handlooms And Textiles,
State of Tamil Nadu, Kuralagam, II
Floor, Chennai - 600 104.

2.The Managing Director,
Tamil Nadu Handloom Weavers Cooperative Society Limited,
No. 350, Pantheon Road, Egmore,
Chennai - 600 008.

3.The Senior Regional Manager,
Tamil Nadu Handloom Weavers
Cooperative Society Limited,
350, Pantheon Road, Egmore,
Chennai - 600 008

4.The Assistant Director,
Handlooms Department,
No.26, Lal Bhadur Shastri Road,
Periyakuppam Near Railway Station,
Tiruvallur - 602 001

... Petitioners

Vs.

S Jerald Arokiya Santhanam
S/o M.Selvaraj,
No.35A/40A, B.E.Colony,
3rd Street, Kodambakkam,
Chennai 600 024

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the impugned order dated 15.09.2025 made in C.M.P.No.1 of 2025 in C.M.A.SR.No.2565 of 2025 on the file of the Special Tribunal for



Cooperative Cases, Chennai and consequentially dismiss the CMP.No.1 of 2025 filed by the respondent.

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For Petitioners: Mr.S.Abhijeet Krishna

ORDER

The Civil Revision Petition is filed challenging the order of the Cooperative Tribunal passed in C.M.P.No.1 of 2025 in CMA.SR.No.2565 of 2025. By the said order, the Tribunal condoned the delay of 610 days in filing the Civil Miscellaneous Appeal.

2. The Learned Counsel appearing on behalf of the petitioner would submit that, firstly, the reason mentioned in the affidavit to condone the delay as if the order of surcharge was never served on the petitioner is a false reason. The petitioner management has proof that the order was duly served on him. Secondly, the employee has been filing repeated writ petitions, thereby stalling both the disciplinary enquiry as well as the surcharge proceedings. When the employee is vigilant enough to repeatedly approach this Court by way of writ petitions, wantonly leaving the matter to become final and only to protract the proceedings and to cause grave prejudice to the petitioner management, now the appeal is filed along with the huge delay. The Tribunal ought to have seen that the reasons mentioned in the affidavit were false and the fact that the respondent has been litigating continuously and ought not to have condoned the delay.



3. I have considered the submissions made by the Learned Counsel for the petitioner and perused the material records of the case.

4. As regards the ground relating to the service of the surcharge order is concerned, the same is dealt with by the Tribunal in paragraph No.8 and it found that it is true that the surcharge order was duly handed over to the petitioner's wife and at that time he was in judicial custody. Considering the overall facts and circumstances of the case, the Tribunal decided to condone the delay. The law in this regard is clear that the Courts will take a liberal approach while considering the issue of condonation of delay. However, it can be seen that the other contention is that the petitioner is also protracting the disciplinary proceedings. In this regard, it is now argued by the Learned Counsel for the petitioner himself that the interim order granted in the writ petition is no more and the writ petitions came to be disposed of in the month of September 2025 and now there is no any impediment in proceeding with the disciplinary enquiry.

5. In view thereof, nothing prevents from the petitioner Management to proceed with the disciplinary enquiry with strict vigil on a day-to-day basis. Even with reference to the present C.M.A., considering the huge delay that has been condoned and the grievance that is pleaded on behalf of the petitioner



Management, the Civil Revision Petition is disposed of on the following terms:

(i) There is no any impediment as far as the disciplinary enquiry is concerned and therefore the petitioner Management shall diligently pursue the disciplinary enquiry, even by holding the enquiry on a day-to-day basis and complete the same as early as possible.

(ii) The order impugned in the Civil Revision Petition passed in C.M.P.No.1 of 2025 shall stand confirmed.

(iii). In view of the huge delay that is condoned, the Special Tribunal for Co-operative cases, Chennai/Chief Judge, Small Causes Court, Chennai is directed to complete the C.M.A and pass final orders thereon in accordance with law as expeditiously as possible, in any event not later than four months from the date of receipt of the web copy of this order, without waiting for the certified copy.

There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

19-12-2025

Neutral Citation:No.
bsm



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D.BHARATHA CHAKRAVARTHY, J.
bsm

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