

R.P. No.3/2015

**BEFORE THE REGISTRAR OF CO-OPERATIVE SOCIETIES, PUDUCHERRY.**

R.P. No. 3/2015

**Present : Dr. A.S. SIVAKUMAR,  
Registrar of Co-operative Societies,  
Puducherry.**

Thiru R. Thamizhkumaran,  
No.3, Thoppur Street,  
Pooranasingupalayam,  
Puducherry - 605 107

.. Petitioner

Vs.

The Administrator,  
Kothapurinatham Primary Agricultural Co-operative  
Credit Society Ltd., No. P. 130,  
Kothapurinatham,  
Periyababusamuthram (post),  
Puducherry - 605 102

.. Respondent

**ORDER**

*(Issued under Section 141 of the Puducherry Co-operative Societies Act, 1972)*

This revision petition filed under Section 141 of the Puducherry Co-operative Societies Act, 1972 is from the Junior Clerk of Kothapurinatham Primary Agricultural Co-operative Credit Society Ltd., No. P. 130 (for brevity 'the society') against the Administrator of the society.

**THE AVERMENTS**

2. Filtering out unnecessary details, the factual background relevant for adjudication of the present revision petition is that the petitioner is working as Junior Clerk on daily rated basis from 18.1.2007. In view of his ill health, he was on medical leave. On expiry of leave, when he attempted to rejoin duty, he was prevented by the respondent from rejoining post. When he gave the joining report along with the fitness certificate obtained from the doctor to the Manager of the society, the said Manager refused to receive the report stating that the petitioner has to get the approval of the respondent to rejoin duty. The



respondent did not respond to his request and he was thus prevented from rejoining duty.

3. According to the petitioner, the act of the respondent in not permitting him to rejoin duty caused him mental tension and such an act of the respondent is alien to natural justice.

4. The petitioner prays intervention in this matter to direct the respondent to take him back to service.

#### **THE DENIAL**

5. Per contra, the respondent filed the counter refuting the allegations made by the petitioner. The gist and kernel of the counter would run thus:

5.1 The revision petition is an attempt to get away the disciplinary action contemplated against the petitioner.

5.2 The petitioner is a daily rated employee and habitually he absents himself without any notice. Between 2007 and July 2014, he absents himself for 893 days, of which absented without notice for 483 days. The petitioner is not only irregular to his duty, but lacks devotion and has absolutely no inclination to work. Even though sufficient opportunities were given to discipline him, he continues to be irregular and casual in his approach.

5.3 The petitioner filed a writ petition before the Hon'ble High Court of Madras challenging the reinstatement of the Manager of the society. He contended therein that the Registrar has no authority to entertain a revision petition. When he is not aggrieved by the reinstatement of the Manager, he preferred the writ petition without locus standi.

6. Taking into reckoning the conduct of the petitioner and his misdemeanor, the respondent prays to dismiss the revision petition.

#### **THE REJOINDER**

7. A copy of the counter filed by the respondent was forwarded to the petitioner. In his rejoinder, the petitioner contended that he was within his right to seek remedy under Section 141 of the Act by filing a revision petition. When the petitioner has put in so many years of daily rated service, he is



