

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.20875 of 2015 and
M.P.No.1 of 2015

J.Mary Kutty

... Petitioner

Vs.

1.The Secretary to Government,
Cooperation, Food and Consumer
Protection Department,
Secretariat, Chennai - 600 009.

2.Additional Registrar of Cooperative Societies,
Chennai Region, TANFED Buildings,
St.Mary's Road, Chennai - 600 018.

3.The Managing Director,
Chennai Central Cooperative Bank Ltd.,
No.215, Prakasam Salai,
Chennai - 600 108.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus, directing the 3rd respondent herein, to consider and reinstate the petitioner into their services on the lines of orders passed by the 2nd respondent/Revisional Authority in Rc.No.6469/2009 C2 dated 18.06.2010 in accordance with law.

For Petitioner : Mr.K.Rajendran

For Respondents : Mr.D.Venkatachalam
Govt.Advocate for R1 and R2
Mr.R.Bala Ramesh,
Addl.Govt.Pleader for R3

O R D E R

The petitioner is an employee of the third respondent Cooperative Bank. He was dismissed from service by an order dated 19.05.2008. He preferred revision petition before the second respondent under Section 153 of the Tamil Nadu Cooperative Societies Act.

2. It seems that the petitioner was dismissed from service without proper enquiry. Hence, the revisional authority passed an order dated 18.06.2010 setting aside the dismissal order, dated

19.05.2008 and remanded the matter to the third respondent to give an opportunity of hearing before imposing punishment. The revisional authority has held thus:-

"The petition is remitted to the respondent for reconsideration to follow the principle of natural justice i.e., No one should be punished unheard."

3. The grievance of the petitioner is that though five years have elapsed, the third respondent has not proceeded with the enquiry and the stalemate continues.

4. If it is so, the course open to the petitioner is again to approach the Revisional Authority under Section 153 of the Cooperative Societies Act, seeking a direction to the third respondent to complete the enquiry within a stipulated period. The petitioner cannot approach this Court under Article 226 of the Constitution, as the relief claimed is against Cooperative Society.

5. It is well settled that the writ Petition against the Cooperative Society is not maintainable as held by the larger Bench judgment of this Court in K.Marappan vs. Deputy Director of Cooperative Societies, Namakkal reported in (2006) 4 CTC 689.

6. In view of the above, I am not inclined to entertain the writ petition. Hence, the writ petition stands dismissed. The dismissal of the writ petition would not preclude the petitioner from approaching the revisional authority, seeking a direction to complete the enquiry within a stipulated period. If the petitioner files any revision within a period of three weeks, the second respondent is directed to consider and dispose of the same, within a period of six weeks thereafter, without reference to any delay. No costs. Connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

1.The Secretary to Government,
Cooperation, Food and Consumer Protection Department,
Secretariat, Chennai - 600 009.

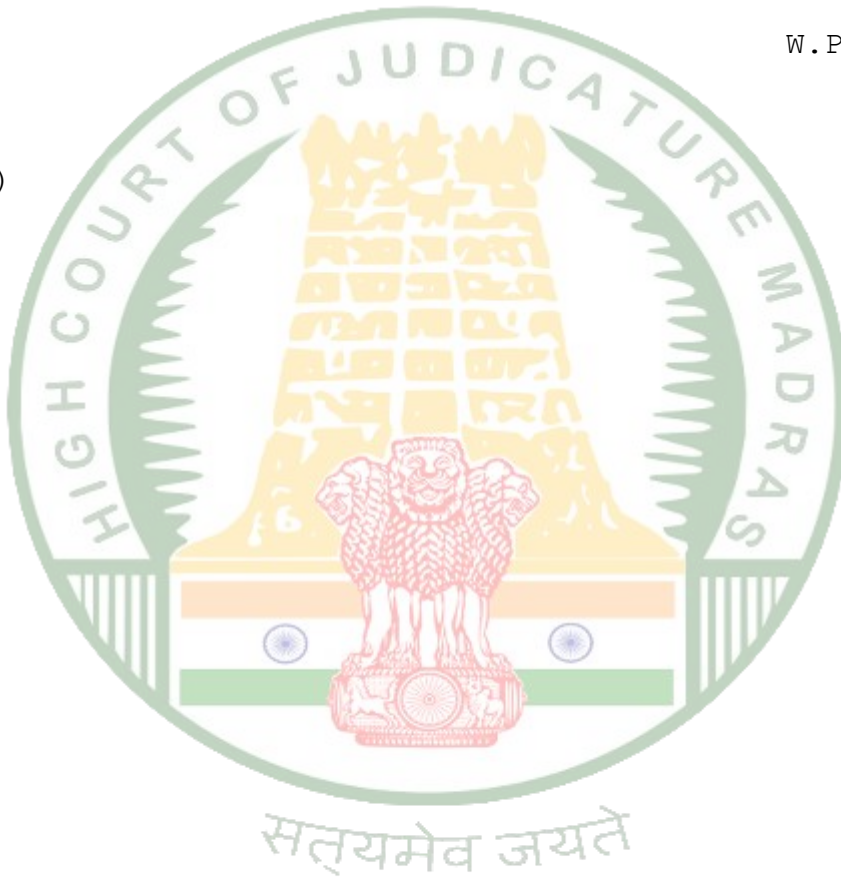
2.Additional Registrar of Cooperative Societies,
Chennai Region, TANFED Buildings,
St.Mary's Road, Chennai - 600 018.

3.The Managing Director,
Chennai Central Cooperative Bank Ltd.,
No.215, Prakasam Salai,
Chennai - 600 108.

1 cc to Mr.K.Rajendran, Advocate, sr. 35913
1 cc to Mr.R.Saraswathi, Advocate, sr. 35213
1 cc to M/s. Government Pleader, Sr.. 35410

W.P.No.20875 of 2015

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