

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 29.04.2015****CORAM:****THE HONOURABLE Mr. JUSTICE S. VAIDYANATHAN****W.P. (MD) No. 7323 of 2015**

WEB COPY

E.Christy Bell Sudha

... Petitioner

Vs.

1. The Deputy Registrar,
Cooperative Societies,
Thoothukudi District.

2. The Special Officer,
EE 423, Udangudi Primary Agricultural Cooperative Bank,
Meignanapuram,
Tiruchendur Taluk,
Thoothukudi District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari Mandamus, calling for the records relating to the impugned order of the 2nd respondent dated 23.09.2010 dismissing the petitioner from service and quash the same and consequently, direct the respondents to reinstate the petitioner in service with all monetary and attendant benefits for the period from the date of suspension i.e. from 23.03.2007 till the date of reinstatement in service as Saleswomen in Udangudi Primary Agricultural Cooperative Bank Limited.

For Petitioner : Mr.S.R.Anbarasu

For Respondents : Mr.S.Kumar, AGP for R1

Mr.K.Maheshraja, G.A. for R2

ORDER

This Writ petition has been filed for issuance of a Writ of Certiorari Mandamus, calling for the records relating to the impugned order dated 23.09.2010 passed by the 2nd respondent dismissing the petitioner from service and quash the same and consequently, direct the respondents to reinstate the petitioner in service with all monetary and attendant benefits for the period from the date of suspension i.e. from 23.03.2007 till the date of reinstatement in service as Saleswomen in Udangudi Primary Agricultural Cooperative Bank Limited.

2. Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the first respondent and the learned Government Advocate appearing for the 2nd respondent.

<https://hcservices.ecourts.gov.in/hcservices/>

3. As the 2nd respondent is a Cooperative Society registered under Tamil Nadu Cooperative Societies Act, Writ petition against



the Cooperative Society is not at all maintainable. Even assuming Writ is maintainable, in view of the submission made by the learned counsel appearing for the petitioner, disputed question of fact are involved in this matter and the same will have to be tested by appropriate Court and hence, the petitioner cannot seek any order from this Court for setting aside the dismissal order and the consequential benefits. Therefore, it is open to the petitioner to raise all the issues before the appropriate forum in the manner known to law.

4. When there is disputed question of fact involved, the Writ petition is not an alternative remedy. Writ petition against Cooperative Societies is not maintainable in view of the larger Bench judgment of this Court reported in **2006 (4) CTC 689 (K. Marappan Vs. The Deputy Registrar of Co-operative Societies, Namakkal Circle, Namakkal-636 001 and another)**. For every alleged or imagined invasion of his rights, an employee of a co-operative society cannot move the writ Court on the ground that his rights under Article 21 have been infringed.

5. Accordingly, the Writ petition is dismissed. No costs. Consequently, connected M.Ps. are closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Deputy Registrar,
Cooperative Societies,
Thoothukudi District.

2. The Special Officer,
EE 423, Udangudi Primary Agricultural Cooperative Bank,
Meignanapuram,
Tiruchendur Taluk,
Thoothukudi District.

+1cc Mr. S.R. Anbarasu Advocate Sr.No.24057

+1cc Mr. Motherland Associates, Sr.No.28108

+1cc to Spl. Government pleader Sr.No.28656

nbj

AA/15.06.2015/2p- 6c/

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