

In the High Court of Judicature at Madras

Dated : 13.09.2017

Coram

The Honourable Mr. Justice S. MANIKUMAR
and
The Hon'ble Mrs. Justice V. BHAVANI SUBBAROYAN

Writ Appeal No.1061 of 2017
and
CMP No.14875 of 2017

G. RamakrishnanAppellant/Petitioner

..vs..

1. The Deputy Registrar of Co-operative Societies,
Gobichettipalayam Circle,
Erode District
2. The President,
K 864, Murali Chennampatti Primary
Agricultural Co-operative Credit Society,
Murali (Post), Anthiyur Taluk,
Erode (District) ...Respondents/Respondents

Appeal filed under Clause 15 of the Letters Patent Act
against the Order dated 03.07.2017 in W.P No.10106 of 2017.

Prayer in W.P No.10106 of 2017:- Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the issuance of impugned order dated Nil having Reference Nil on the file of the 2nd respondent and quash the same and consequently direct the 2nd respondent to permit the petitioner to work in the Post of Office Assistant K.864, Murali Chennampatti Primary Agricultural Co-operative Credit Society, Murali (Post), Anthiyur Taluk, Erode District.

For Appellant : Mr.E.P. Shenniyangiri

JUDGMENT

(Judgment of the court was delivered by S. MANIKUMAR, J.,)

The Order impugned before the Writ Court is the proceedings of the President, Murali Chennampatti Primary Agricultural Co-operative Credit Society, addressed to the writ petitioner, which is extracted hereunder:

Proceedings of Mr.S, Veeraraghavan the President K 864, Murali Chennampatti Primary Agriculture Co-operative Society.

To

G. Ramakrishnan
S/o Ganeshan
Murali (PO),
Murali

Subject:- Appointment of Office Assistant -
cancellation of appointment -
orders - reg.

Reference:1. Resolution No.8 of the General
Body Meeting dated 16.12.2015
2. Proceedings of the Co-operative
Deputy Registrar, Gobi Na.ka.
1807/2016/Tho.Ve.Sa. Dated
25.05.2016

Mr.G. Ramakrishnan, son of Ganesan presently working as Office Assistant, has been appointed as Office Assistant with effect from 16.12.2015. This appointment stands cancelled for administrative reasons and as per the order cited in the reference of the Deputy Registrar of Co-operative, Gobi.

Annexure:

Deputy Registrar of Co-operatives Gobi

President

To

G. Ramakrishnan
S/o Ganesan
Murali

2. On the basis of the Principles of Law laid down by the Larger Bench of this Court in K. Marappan and Others vs the Deputy Registrar of Co-operative Societies reported in 2006(4)

CTC 689 and also taking note of the fact that the impugned proceedings was passed by the President of the Co-operative Society, which cannot be treated as State, within the meaning of Article 12 of the Constitution of India, and therefore, the proceedings cannot be challenged by way of Writ petition under Article 226 of the Constitution of India, the Writ Court, vide order dated 03.07.2017, dismissed the Writ Petition, as not maintainable.

3. Though Mr.E.P. Shenniyangiri, learned counsel for the appellant, assailed the correctness of the Order before us, on the grounds inter alia that cancellation of the appointment on 01.07.2016 was without any notice and violation of principles of natural justice and further contended the said order has been served after one year from the date of passing and in the above said circumstances, a writ petition is maintainable, the Larger Bench of this Court in K. Marappan and Others vs the Deputy Registrar of Co-operative Societies reported in 2006(4) CTC 689 has considered all tenable grounds, as to whether a writ petition against the Co-operative Society is maintainable or not and accordingly, answered as not maintainable except, under certain circumstances.

4. Going through the material on record, we find that the order of cancellation of appointment has been passed based on the Resolution No.8 of the General Body Meeting dated 16.12.2015 and the Proceedings of the Deputy Registrar of Co-operative Society in Gobi Na.ka. 1807/2016/Tho.Ve.Sa. Dated 25.05.2016 respectively.

5. In as much as the cancellation appears to have been made on the basis of the Proceedings of the Deputy Registrar of Co-operative Society, granting liberty to the appellant to approach Joint Registrar of Co-operative Society, as per the provisions of Co-operative Societies Act and Rules framed thereunder, the writ appeal stands dismissed. No costs. Consequently, connected CMP is closed.

WEB COPY
Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

sr

To

1. The Deputy Registrar of Co-operative Societies,
Gobichettipalayam Circle,
Erode District
2. The President,
K 864, Murali Chennampatti Primary
Agricultural Co-operative Credit Society,
Murali (Post), Anthiyur Taluk,
Erode (District)

+1cc to Mr.E.P.Senniyangiri, Advocate Sr. 66576

W.A.No.1061 of 2017

NMI (CO)
VR(14/09/2017)



WEB COPY