

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-10-2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.7285 of 2014

And

MP Nos.1 and 2 of 2014

V.Jayachandiran

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Petitioner

-vs-

1.The Registrar of Co-operative Societies,
Kilpauk,
Chennai-600 010.

2.The Joint Registrar of Co-operative Societies,
Vellore,
Vellore District.

3.The Secretary,
C-2475, Paradarami Primary Agricultural
Co-operative Bank,
Paradarami Village & Post,
Gudiyatham Taluk,
Vellore District.

4.The President,
C-2475, Paradarami Primary Agricultural
Co-operative Bank,
Paradarami Village & Post,
Gudiyatham Taluk,
Vellore District.

5.S.Saravanan

..

Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to Resolution No.2 dated 19.12.2013 passed by the fourth respondent and to quash the same and consequently direct the respondents 2 to 4 to promote the petitioner as Writer in the third respondent-Society with all monetary benefits.

For Petitioner - Mr.G.Vinodh Kumar

For Respondents-1&2 - Mr.L.P.Shanmugasundaram,
Special Government Pleader (Co-op.)

For Respondents-3to5 - No Appearance

ORDER

The Resolution No.2, passed by the fourth respondent on 19.12.2013, is under challenge in this writ petition and a further direction is sought for against the respondents 2 to 4 to promote the petitioner as Writer in the third respondent-Society.

2. The writ petitioner is an employee of the third respondent-Co-operative Society, which is registered under the provisions of the Tamil Nadu Co-operative Societies Act. The resolution impugned dated 19.12.2013 was also passed by the Elected Board of the Co-operative Society. The Co-operative Society is not a State within the meaning of Article 12 of the Constitution of India, in view of the legal principles settled by a larger Bench of this Court in the case of K.Marappan vs. Deputy Registrar of Co-Operative Societies, Namakkal Circle, Namakkal [(2006) 4 CTC 689 (FB)]. Thus, the remedy available to the employees of the Co-operative Societies, lies under the provisions of the Tamil Co-operative Societies Act.

3. Without exhausting the remedy of revision provided under Section 153 of the Co-operative Societies Act, no writ can be entertained under Article 226 of the Constitution of India. Thus, the petitioner is at liberty to approach the Competent Authorities to redress the grievances.

4. In this view of the matter, no further adjudication on merits is required to be undertaken in this writ petition. Accordingly, the writ petition stands dismissed as not maintainable. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Svn

To

1.The Registrar of Co-operative Societies,
Kilpauk,
Chennai-600 010.

2.The Joint Registrar of Co-operative Societies,
Vellore,
Vellore District.

+1cc to Mr.G.Vinoth Kumar, Advocate, S.R.No.71948

+1cc to the Government Pleader, S.R.No.72646

W.P.No.7285 of 2014

CB(30/10/2017)



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