

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.10.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10632 of 2014

R.Arumugham

..Petitioner

Vs

- 1.The Registrar of Co-operative Societies
No.170, E.V.R.Periyar Salai
Kilpauk, Chennai 10.
 - 2.The Joint Registrar of Co-operative Societies
Erode Region
Erode.
 - 3.The Deputy Registrar of Co-operative Societies
Gobichettipalayam
Erode District.
 - 4.The President (previously Special Officer)
No.1932 Sathyamangalam Co-operative Urban Bank Ltd.,
Sathyamangalam 638 401
Erode District.
- ... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to fix the salary of the petitioner in the cadre of Secretary from 05.02.2000 till date of retirement and consequently direct the respondents pay the arrears of salary and terminal benefits to the petitioner.

For Petitioner : Mr.S.Kamadevan
For Respondents :Mr.L.P.Shanmugasundaram
Special Government Pleader

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O R D E R

The relief sought for in this writ petition is for a direction to direct the second respondent to fix the salary of the petitioner in the cadre of Secretary from 05.02.2000 till date of retirement.

2. The learned counsel for the writ petitioner submitted that the writ petitioner is an employee of the Co-operative

Society and a direction to re-instate the writ petitioner cannot be entertained under Article 226 of the Constitution of India. However, the writ petitioner was an employee of the second respondent, Co-operative Society and the Co-operative Society registered under the Tamil Nadu Co-operative Societies Act, 1983 is not a state within the meaning of the Article 12 of the Constitution of India.

3. Thus, no writ can be entertained against the order passed by the Co-operative Societies, so also a direction be issued against the Societies. The legal principles in this regard was settled by the Larger Bench of this Court in the case of Marappan and others Vs. Deputy Registrar of Co-operative Societies, Namakkal reported in 2006 (4) CTC 689.

4. Thus, the remedy lies before the competent authority under the Provision of the Tamil Nadu Co-operative Society Act. The learned counsel appearing for the writ petitioner states that the writ petitioner already submitted a representation to the second respondent on 18.07.2011. The petitioner is at liberty to avail the remedy under Section 153 of the Tamil Nadu Co-operative Society Act before the competent authority.

5. Accordingly, the writ petition stands dismissed as not maintainable. However, there shall be no order as to costs.

Dna

-sd/-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Registrar of Co-operative Societies
No.170, E.V.R.Periyar Salai
Kilpauk, Chennai 10.
2. The Joint Registrar of Co-operative Societies
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Erode.
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Erode District.

+1 C.C. to MR.S.Kamadevan Advocate SR.NO.72803

+1 C.C. to The Government Pleader, SR.NO. 72639

+1 C.C. to MR.L.P.Shanmuga Sundaram Advocate SR.NO.72582

W.P.No.10632 of 2014

PVS (CO)

VS 17.11.2017



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