

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 19.07.2017****CORAM****THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

W.P.No.5693 of 2017 and
W.M.P.Nos.6081, 6082 & 13414 of 2017

P.Eswaran

... Petitioner

Vs.

1.The Joint Registrar/Managing Director
Coimbatore District Central Co-operative Bank
No.80, State Bank Road
Post Box No.3781,
Coimbatore 641 018.

2.The Registrar of Co-Operative Societies
No.170,E.V.R.Periyar High Road,
Kilpauk,
Chennai-600010

3.G.Shanmugasundaram
Domestic Enquiry Officer
Coimbatore District Central Co-operative Bank
No.80, State Bank Road
Post Box No.3781,
Coimbatore 641 018.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records in respect to the Charge Memo issued vide Na.Ka.No.00881/2016/E1 dated 6.6.2016 and quash the same and direct the first respondent to put back the petitioner in service with all benefits and grant such other relief as this Court may deem fit and proper.

For Petitioner :Mr.S.V.Pravinrathinam

For Respondents :Mr.M.S.Palanisamy-R1

Mr.L.P.Shanmugasundaram-R2
Spl.Government Pleader

No appearance-R3

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ORDER

The charge memo issued by the Coimbatore District Central Co-operative Bank, dated 06.06.2016, is challenged in this Writ Petition.

2.The District Central Co-operative Bank is fully funded by its members and other Primary Co-Operative Societies and therefore, the Co-Operative Bank is not a State within the meaning of Article 12 of the Constitution of India. Accordingly, no writ will lie against the actions initiated by the Co-Operative Society. The said legal principle has already been decided by the Larger Bench of this Court in ***Marappan and others Vs. Deputy Registrar of Co-operative Societies, Namakkal reported in 2006 (4) CTC 689***. Thus, it is left open to the writ petitioner to approach the competent authorities under section 153 of the Tamil Nadu Co-Operative Societies Act, to redress his grievances. In view of the fact that a mechanism is

provided under the Tamil Nadu Co-operative Societies Act to redress the grievances of their employees and in view of the Larger Bench decision of this Court, no writ can be issued by exercising the power under Article 226 of the Constitution of India. Thus, this Court is not inclined to consider the issues raised in the Writ Petition.

3. Accordingly, the Writ Petition stands dismissed as not maintainable. No costs. Consequently, connected Miscellaneous Petitions are closed.

19.07.2017

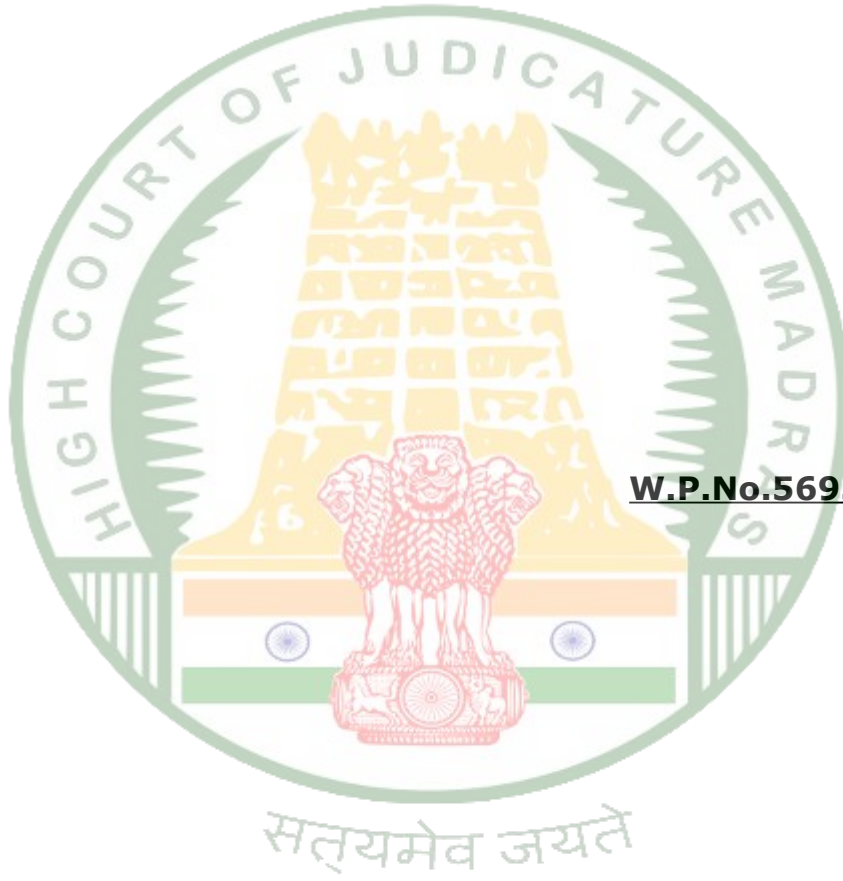
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To

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S.M.SUBRAMANIAM, J.,

rpa



W.P.No.5693 of 2017

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