

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-10-2017

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.3124 of 2014

R.Rajalakshmi

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Petitioner

-vs-

1.The Joint Registrar of Co-operative
Societies,
Coimbatore Region,
Coimbatore.

2.The Deputy Registrar of Co-operative
Societies,
Coimbatore-18.

3.The Special Officer,
K-1803, Thekkampatti,
Primary Agricultural Co-operative
Credit Society,
Thekkampatti,
Mettupalayam Taluk,
Coimbatore District.

4.The President,
Thekkampatti Agricultural Co-operative
Credit Society,
Thekkampatti,
Mettupalayam Taluk,
Coimbatore District.

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Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to allow the petitioner to resume the petitioner's duties as Fertilizer Sales Women/Secretary (In-charge) at the respondent-Co-operative Credit Society.

For Petitioner - Mr.T.P.Prabakaran

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

For Respondent-3 - No Appearance

For Respondent-4 - Mr.D.Venkatachalam

ORDER

The relief sought for in this writ petition is for a direction to direct the respondents to allow the petitioner to resume her duties as Fertilizer Sales Women/Secretary (In-charge) at the respondent Co-operative Credit Society.

2. The relief, as such, sought for cannot be entertained by way of filing this writ petition, in view of the legal principles settled by the 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)]**, wherein it has been held that no writ can be entertained against the Co-operative Societies, in view of the fact that the Co-operative Society is not an instrumentality of the State

within the meaning of Article 12 of the Constitution of India.

3. The remedy of the employees of the Co-operative Societies lies under the provisions of the Tamil Nadu Co-operative Societies Act, more specifically, in relation to the service matters of the employees of the Co-operative Society, a revision under Section 153 of the Act, is to be exhausted by preferring the said revision before the Competent Authorities.

4. This being the factum of the case, the relief, as such, sought for cannot be considered and it is left open to the writ petitioner to approach the Competent Authorities under the provisions of the Act and therefore, no further adjudication on merits in this writ petition is required to be undertaken.

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

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Speaking/Non speaking Order

Index : yes/no

Svn

S.M.SUBRAMANIAM, J.

Svn

To

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