

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2017

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WRIT PETITION No. 11256 of 2017

C.Udayakumar

.. Petitioner

Vs.

1. The Deputy Registrar of Co-operative Societies,
Hosur Circle, Hosur,
Krishnagiri District.
2. K.K.127, Hosur Primary Agricultural
Co-operative Credit Society Ltd.,
Rep. by its President,
Hosur, Krishnagiri District.
3. The Enquiry Officer,
(K.K.127, Hosur Primary Agricultural,
Co-operative Credit Society Ltd.,)
No.183/RG Nagar, Kannamkurichi,
Salem 8. Respondents

Prayer : The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, direct the respondents 1 and 2 to conclude the disciplinary proceedings pursuant to the charge memo dated 10.08.2015 and pay the arrears of subsistence allowance of Rs.1,40,000/- and continue to pay the subsistence allowance till conclusion of disciplinary proceedings.

For Petitioner : Mr.C.K.Chandrasekaran

For Respondents : Mr. L.P. Shanmugasundaram
Special Government Pleader

O R D E R

The relief sought for in this Writ Petition for a direction to conclude the enquiry. Admittedly, the writ petitioner is working as Secretary and pursuant to the Enquiry Report submitted under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, disciplinary action was initiated against the writ petitioner.

2. The learned counsel for the writ petitioner contended that the enquiry proceedings are in progress and the report is yet to be submitted. Further, the learned counsel contended that the Enquiry Officer completed his enquiry as early as on 18.02.2017. The Disciplinary Authority in this case is the President, Hosur Primary Agricultural Co-operative Credit Society Ltd/2nd respondent in this Writ Petition. The 2nd respondent/society is a Primary Agricultural Co-operative Society, does not come under Article 12 of the Constitution of India. A larger Bench of this Court in the case of Marrappan and others reported in Marappan.K vs. The Deputy Registrar of Co-operative Societies, Namakkal, [2006 (4) CTC 689] held that no writ would lie against a Cooperative Society, more so, the case on hand is relating to the disciplinary proceedings initiated against an employee of the 2nd respondent society. Such being the factum of the case, no direction could be issued as sought for in this Writ Petition and hence, the Writ Petition is not maintainable in respect of the grievance of the Writ petitioner. It is left open for the petitioner to approach the Competent Authority under the said Act.

Accordingly, the above Writ Petition is dismissed. No costs.

Sd/-
Asst.Registrar (V.O.)

/true copy/

Sub Asst. Registrar

jv/msv

To

1. The Deputy Registrar of Co-operative Societies,
Hosur Circle, Hosur,
Krishnagiri District.
2. The President,
K.K.127, Hosur Primary Agricultural
Co-operative Credit Society Ltd.,
Hosur, Krishnagiri District.

3. The Enquiry Officer,
(K.K.127, Hosur Primary Agricultural,
Co-operative Credit Society Ltd.,)
No.183/RG Nagar, Kannamkurichi, Salem 8.

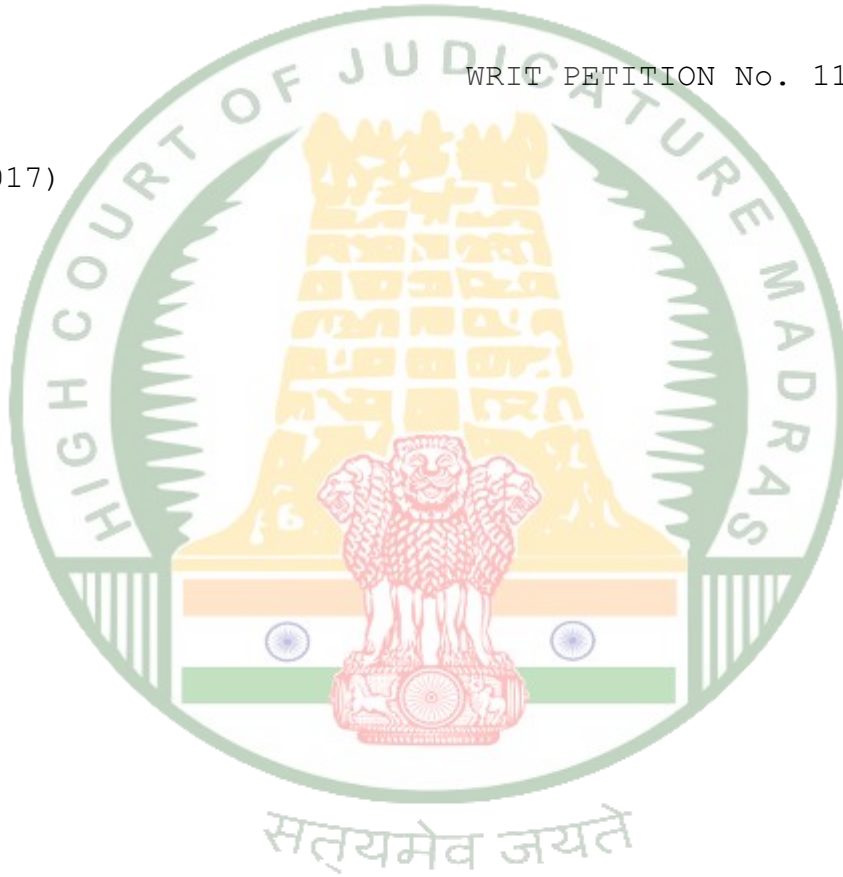
+1cc to Government Pleader sr.37352

+1cc to Mr.L.P.Shanmugasundaram, Advocate sr.37286

+1cc to Mr.C.K.Chandrasekar, Advocate sr.37067

WRIT PETITION No. 11256 of 2017

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ss(15/5/2017)



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