

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01-11-2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.17741 of 2011

Jansirani

Petitioner

-vs-

1.The Joint Registrar,
Office of the Joint Registrar of Co-operative
Societies,
Integrated Complex,
Villupuram.

2.The Special Officer,
FK.88, Kalakurichi Co-operative Primary
Agricultural and Rural Development
Bank Limited.

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 appoint the petitioner in any of the post under compassionate appointment.

For Petitioner

- Mr.B.Gopalakrishnan for
Mr.R.Nalliyappan

For Respondent-1

- Mr.L.P.Shanmugasundaram,
Special Government Pleader (Co-op).

For Respondent-2

- Mr.T.Dhanyakumar

ORDER

The relief sought for in this writ petition is for a direction to direct the respondents to appoint the petitioner in any of the post under compassionate appointment.

2. Admittedly, the father of the writ petitioner, late Mr.C.Kuppusamy, was employed as a Supervisor in the second respondent-Co-operative Society and passed away on 13.7.2007. The mother of the writ petitioner made a representation to the second respondent to provide appointment to the writ petitioner on compassionate ground on 17.7.2007. The second respondent has not taken any decision nor issued any order of rejection.

3. Under these circumstances, the writ petitioner filed the present writ petition on 27.7.2011, after a lapse of about 4 years from the date of submission of the application, seeking compassionate appointment. However, the relief sought for in this writ petition is against the Co-operative Society which is registered under the provisions of the Tamil Nadu Co-operative Societies Act, 1983.

4. In this regard, the second respondent, being a Co-operative Society, no writ can be entertained by this Court under

Article 226 of the Constitution of India. The Co-operative Society is not a State within the meaning under Article 12 of the Constitution of India and the remedy available to the writ petitioner is under Section 153 of the Tamil Nadu Co-operative Societies Act for filing a revision before the Competent Authority.

5. The legal principle was settled in this regard 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)]**.

6. Thus, it is left open to the writ petitioner to approach the Competent Authority under the provisions of the Tamil Nadu Co-operative Societies Act. Accordingly, the writ petition stands dismissed as not maintainable. However, there shall be no order as to costs.

Speaking/Non speaking Order
Index : yes/no
Svn

01-11-2017

To

1.The Joint Registrar,
Office of the Joint Registrar of Co-operative
Societies,

Integrated Complex,
Villupuram.

S.M.SUBRAMANIAM, J.

Svn

2.The Special Officer,
FK.88, Kalakurichi Co-operative Primary
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