

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2017

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P. No. 8004 of 2013 and MP.No.1 of 2013

N.Ramanujam

.... Petitioner

Vs.

- 1.The Joint Registrar of Cooperative Societies,
Perambalur Region, Perambalur,
Perambalur District.
 - 2.The Deputy Registrar of Cooperative Societies,
Perambalur Circle, Perambalur,
Perambalur District.
 - 3.The Administrator,
R.257, Siruganpur Primary
Agricultural Cooperative Credit Society,
Siruganpur, Kunnam Taluk,
Perambalur District.
- Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to promote the petitioner in the post of Clerk in the 3rd respondent Society by following the circular issued by the Registrar of Cooperative Societies in Na.Ka.No.52437/12 Tho.Vae.Sa.1, dated 03.08.2012.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.T.Girija, GA for R1 & R2
Mr.N.Sakthivel for R3

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondent to promote the petitioner in the Post of Clerk in the 3rd respondent Society by following the Circular issued by the Registrar of Cooperative Society dated 03.08.2012.

2. The learned counsel appearing for the writ petitioner made a submission that the writ petitioner was appointed as Salesman in the 3rd respondent Society on 16.07.1998 and he joined in service on 20.07.1998. The service of the writ

petitioner was regularised and he was permanently absorbed in the sanctioned post. The grievance of the petitioner is that he is continuing in the same post of Salesman without any promotion and in this regard, he seeks a direction from this Court based on the circular issued by the Registrar of the Cooperative Society.

3. However, this Court is of the view that no writ petition can be entertained against the Cooperative Society, since, the Cooperative Society registered under the provisions of the Tamil Nadu Cooperative Societies Act, is not the state within the meaning of Article 12 of the Constitution of India. The Larger Bench of this Court has stated the legal principles, in the case of K.Marappan Vs. Deputy Registrar of Coperative societies, Namakkal Circle, Namakkal 636 001 and another reported in 2006 4 CTC 689 and held that the employees of the Cooperative Society have to exhaust the remedies available under the provisions of the Act before filing any writ petition under Article 226 of the Constitution of India. The petitioner is at liberty to approach the competent authority under the provisions of the Cooperative Societies Act for redressing his grievances in relation to the promotional opportunities. In this view of the matter, no further adjudication is required.

4. Accordingly, the writ petition stands dismissed as not maintainable. No costs. Consequently connected miscellaneous petition is closed.

sk

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1.The Joint Registrar of Cooperative Societies,
Perambalur Region, Perambalur,
Perambalur District.
- 2.The Deputy Registrar of Cooperative Societies,
Perambalur Circle, Perambalur,
Perambalur District.

3.The Administrator,
R.257, Siruganpur Primary
Agricultural Cooperative Credit Society,
Siruganpur, Kunnam Taluk,
Perambalur District.

+1cc to M/S C.Prakasam, Advocate Sr.74610

W.P.No.8004 of 2013

KJI (CO)
RVR 29/11/2017



WEB COPY