

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2017

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No. 2193 of 2015

N.Muthu

...

Petitioner

Vs

1. The Joint Registrar of Co-operative Society,
Thiruvannamalai.
 2. The Deputy Registrar of Co-operative Society,
Thiruvannamalai.
 3. The President,
HH-482, Vallivagai Primary Agricultural Co-operative Bank,
Vallivagai, Thiruvannamalai.
 4. P.Malathy,
(R4 is impleaded as per order dated
23.02.2015 by KKSJ in MP.1/15 in
WP No.2193 of 2015).
- ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, directing the 1st respondent to consider and to pass orders on the representation of the petitioner dated 16.10.2014 within the stipulated time as directed by this Court in compliance of the order passed by the 2nd respondent dated 30.07.2014.

For Petitioner : M/s.S.N.Ravichandran

For Respondents : Mr.L.P.Shanmugasundram

Spl.GP (Co-operatives) for R1 & R2

Mrs.T.P.Savitha for R3

Mr.K.Rajendran for R4

ORDER

The relief sought for in this writ petition is to direct the 1st respondent to consider and pass orders on the representation of the petitioner dated 16.10.2014.

2. The learned counsel for the petitioner contended that the writ petitioner is a member of the 3th respondent /Co-operative Society and he has challenged the promotion of one Smt.P.Malathi/4th respondent as Junior Clerk. Since, the writ

petitioner being a member and found that the promotion was given contrary to the Act and Rules and the bye-law of the society, in his capacity as a member, submitted a representation to the 2nd respondent to cancel the promotion granted in favour of the 4th respondent to the post of Junior Clerk.

3. However, the Deputy Registrar of Co-operative Societies passed an order vide proceedings dated 13.07.2014 under Section 90 of the Tamil Nadu Co-operative Societies Act in respect of the cancellation of promotion granted in favour of the 4th respondent.

4. This Court is of the opinion that the service conditions of the employees of the co-operative societies cannot be dealt with by the Deputy Registrar of Co-operative Societies under Section 90 of the Tamil Nadu Co-operative Societies Act. This apart, the writ petitioner being the member of the society cannot file a petition under section 90 of the Tamil Nadu Co-operative Societies Act, in order to challenge the orders of promotion or relating to any other service matters of the employees of Co-operative Societies. Such being the factum of the case, no directions as such sought for in this writ petition can be granted by this Court under Section 226 of the Constitution of India.

5. Accordingly, the writ petition stands dismissed. No cost.

s/d-

Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

rka

To

1. The Joint Registrar of Co-operative Society,
Thiruvannamalai.
2. The Deputy Registrar of Co-operative Society,
Thiruvannamalai.
3. The President,
HH-482, Vallivagai Primary Agricultural Co-operative Bank,
Vallivagai, Thiruvannamalai.

+2 Ccs to Mr.K. Rajendran, advocate sr 58313.
+1 CC to Ms.T.P. Savitha, Advocate sr 58057.
+1 CC to Govt. Pleader sr 58503.

W.P.No. 2193 of 2015

CP (CO)
sp (12/09/2017)



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