

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.15091 of 2017
and
W.M.P.No.16361 of 2017

Nagarajan,

... Petitioner

Vs.

1. The Registrar,
Co-operative Societies Registrar Office,
N.V.N.Natarajan Maligai,
No.170,E.V.R.Periyar High Road,
Kilpauk,
Chennai-600010
2. The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar Co-operative Societies,
(Full Additional Incharge),
Dharmapuri.
3. The Presedent,
S.8633,Periyanahalli Primary Agricultural
Co.Oprative Credit Society Ltd,
Dharmapuri District.
4. Mr.N.V.Anandan

... Respondents

सत्यमेव जयते

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the charge memo issued by the 3rd respondent in Na.Ka.No.1/2015 Tho.Ku.Ka.cha dated 07.05.2015 and consequentially the enquiry report dated 10.02.2017 submitted by the 4th respondent and quash the same as improper, illegal, unreasonable, against the natural justice and thereby direct the 1 to 3 respondents to reinstate the petitioner in service with all attended benefits and back wages right from the date of the order of suspension dated 21.10.2014 issued by the 3rd respondent.

For Petitioner : Mr.B.Gopalakrishnan

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

O R D E R

Heard Mr.B.Gopalakrishnan, learned counsel appearing for the petitioner and Mr.L.P.Shanmugasundaram, learned Special Government Pleader appearing for the respondents. With the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal at the admission stage.

2. The challenge in this writ petition is to the charge memo dated 7th May 2015 and the consequential enquiry report dated 10th February, 2017. Charge memo was issued by the President of the Periyannahalli Primary Agricultural Co-Operative Credit Society/third respondent herein and the fourth respondent enquiry officer submitted a report for conducting domestic enquiry on 10th February, 2017, since the initiation of disciplinary proceedings, issuance of charge memo and conducting domestic enquiry, all relating to the administrative affairs of the third respondent Co-operative Credit Society.

3. Co-operative Society is not a State within the meaning of Article 12 of the Constitution of India. Accordingly, no writ will lie against the actions initiated by the Co-Operative Society. The said legal principle has already been decided by the Larger Bench of this Court in Marappan and others Vs. Deputy Registrar of Co-operative Societies, Namakkal reported in 2006 (4) CTC 689. Thus, it is left open to the writ petitioner to approach the competent authorities under section 153 of the Tamil Nadu Co-Operative Societies Act, to redress his grievances. In view of the fact that a mechanism is provided under the Tamil Nadu Co-operative Societies Act to redress the grievances of their employees and in view of the Larger Bench decision of this Court, no writ can be issued by exercising the power under Article 226 of the Constitution of India. Thus, this Court is not inclined to consider the issues raised in the Writ Petition.

Accordingly, the Writ Petition stands dismissed as not maintainable. No costs. Consequently, connected Miscellaneous Petition stands closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rpa

To

1. The Registrar,
Co-operative Societies Registrar Office,
N.V.N.Natarajan Maligai,
No.170,E.V.R.Periyar High Road,
Kilpauk,
Chennai-600010
2. The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar Co-operative Societies,
(Full Additional Incharge),
Dharmapuri.
3. The Presedent,
S.8633,Periyanahalli Primary Agricultural
Co.Oprative Credit Society Ltd,
Dharmapuri District.

+1cc to Mr.B.Gopalakrishnan, Advocate, S.R.No.48148
+1cc to the Government Pleader, S.R.No.48453

सत्यमेव जयते

W.P.No.15091 of 2017

SJ(CO)
CS/25/07/17

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