

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.6918 of 2012 and 29112 of 2013  
and  
M.P.No.1 of 2011

E.S.Rajasekar .. Petitioner in both W.P.'s

Vs.

- 1) The Registrar of Co-Operative Societies,  
No.170, Periyar EVR High Road,  
Kilpauk, Chennai 600 010.
- 2) The Additional Registrar of  
Co-operative Societies,  
91, Tanfed Building, 3rd Floor,  
St.Mary's Road, Alwarpet,  
Chennai, Tamil Nadu 600 002.
- 3) The LIC Employees Cooperative Bank Ltd.,  
Rep., by its authorized signatory,  
The Special Officer,  
LIC Employees Cooperative Bank Limited,  
Chennai 600 108. .. RR1, 2 & 3 in both W.P.'s
- 4) R.Vijayakumar .. R4 in W.P.No.6918/2012 &  
R5 in W.P.No.29112/2013
- 5) The President,  
The LIC Employees Cooperative Bank Ltd.,  
No.8, United India Buildings,  
Esplanade Road, Chennai 600 108.. R4 in W.P.No.29112/2013

Prayer in W.P.No.6918 of 2012: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 2nd respondent to reopen R.P.No.3 of 2012 vide RC No.5756/2012/C2 for fresh consideration by impleading the petitioner herein.

Prayer in W.P.No.29112 of 2013: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the 4th respondent vide impugned proceedings dated 31.07.2013 and 02.08.2013 and quash the same and consequently direct the 4th respondent to appoint the petitioner for the Post of Manager with all attendant benefits.

For Petitioner : M/s.Nathan & Associates  
(in both W.P.'s)

For RR 1 & 2 : Mr.L.P.Shanmuga Sundaram,  
(in both W.P.'s Learned Special, Government Pleader,  
(Cooperatives).

For R3 in : Mr.R.M.Muthukumar  
W.P.No.6918 of  
2012

For R3 in : No Appearance  
W.P.No.29112 of  
2013

For R4 in : Mr.R.Arumurugan  
W.P.No.6918/12  
&

For R5 in  
W.P.No.29112/13

For R4 in : Mr.R.Malaisamy  
W.P.No.29112/13

#### C O M M O N O R D E R

As the issue involved in both Writ Petitions are one and the same, the cases are taken up for disposal by a Common Order.

2. The relief sought for in W.P.No.6918 of 2012 is for a direction to be issued to the 2nd respondent to reopen R.P.No.3 of 2012 vide RC No.5756/2012/C2 for fresh consideration by impleading the petitioner herein. The learned counsel appearing for the writ petitioner states that his promotion to the post of Manager has been denied and in this regard, the Writ petition has been filed.

3. The relief sought for in W.P.No.29112 of 2013 to call for the records pertaining to the order passed by the 4th respondent vide impugned proceedings dated 31.07.2013 and 02.08.2013 and quash the same and consequently, issue directions to the 4th respondent, herein to appoint the petitioner for the

post of Manager with all attendant benefits.

4. However, this Court is of the opinion that the writ petitions are not maintainable since the W.P.No.6918 of 2012 is filed against the Co-Operative Society, and W.P.No.29112 of 2013 is filed against the LIC Employees Cooperative Bank Ltd., which are not considered as a State, within the meaning of Article 12 of the Constitution of India.

4. The legal principles in this regard was settled by a larger Bench of this Court in the case of K.Marappan vs the Deputy Registrar of Co-Operative Societies reported in (2006) 4 CTC 889 and it is held that no Writ against the Co-operative Society can be entertained and the remedy to the employees lies under the provisions of the Tamil Nadu Cooperative Societies Act, 1983, more specifically, the same is provided under Section 153 of the Act.

5. Thus, it is left open to the writ petitioner to approach the Competent Authority under the provisions of the Act to redress his grievances. Therefore, no further adjudication is required to be undertaken in respect of the facts and circumstances on merits in these writ petitions. Accordingly, the Writ Petitions stand Dismissed as non-maintainable.

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sts

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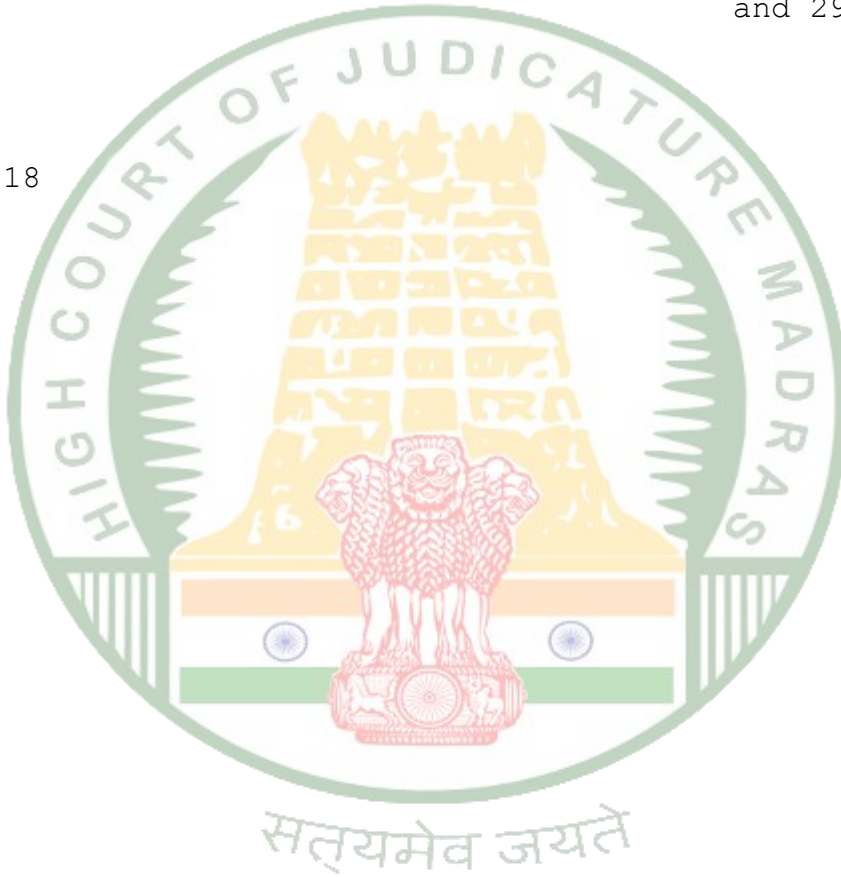
- 1) The Registrar of Co-Operative Societies,  
No.170, Periyar EVR High Road,  
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- 2) The Additional Registrar of  
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+1 cc to M/s.R.Malaichamy Advocate sr 85599  
+1 cc to the Special Government Pleader High Court, Madras  
sr 86276

+2 ccs to Mr.R.Arumugam Advocate sr 86599,86600  
+2 ccs to M/s.Nathan and Associates sr 85787, 85542

Common Order in  
W.P.No.6918 of 2012  
and 29112 of 2013

mr (co)  
aa29/01/2018



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