

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.35244 of 2015
and MP.No.1 of 2015

R.Subramanian

... Petitioner

Vs

1.The President,
K-678, Coimbatore Cooperative Printing Works Ltd.,
1545, Tiruchirapalli Road,
Coimbatore - 641 018.

2.The Managing Director,
K-678, Coimbatore Cooperative Printing Works Ltd.,
1545, Tiruchirapalli Road,
Coimbatore - 641 018. ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the Charge Memo of the 2nd respondent's vide Na.Ka.007/2015.MA.E dated 24.8.2015 and to quash the same as being illegal, unsustainable in law and consequently directing the 2nd respondent for the continuity of service of the petitioner.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.S.Saravanan

O R D E R

The order of suspension issued by the second respondent in the proceedings vide Na.Ka.007/2015.MA.E, dated 24.8.2015 is under challenge in this writ petition.

2. The learned counsel appearing for the writ petitioner submits that the writ petitioner was holding the post of Manager in the second respondent's Co-operative Printing Society. On account of certain irregularities disciplinary actions were initiated against the writ petitioner and an order of suspension placing the writ petitioner under suspension was issued by the second respondent in proceedings dated 24.8.2015. However, the second respondent being a Co-

operative Society registered under the provisions of the Tamil Nadu Co-operative Societies Act, 1983. A Co-Operative Society is not a "State" within the meaning of Article 12 of the Constitution of India. Thus, no writ will lie against a Co-operative Society, in view of the legal principles settled by the larger Bench of this Court in the case of K.Marappan v. Deputy Registrar of Co-operative Societies, 2006 (4) CTC 689. It is left open to the writ petitioner to exhaust the remedies available under Section 153 of the Tamil Nadu Co-operative Societies Act. This being the legal principles settled out, the present writ petition filed against an order of suspension issued by the Co-operative Society cannot be entertained.

3. Accordingly, the writ petition stands dismissed as not maintainable. Consequently, connected miscellaneous petition is closed. However, no order as to costs.

Sd/-

Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The President,
K-678, Coimbatore Cooperative Printing Works Ltd.,
1545, Tiruchirapalli Road,
Coimbatore - 641 018.

2. The Managing Director,
K-678, Coimbatore Cooperative Printing Works Ltd.,
1545, Tiruchirapalli Road,
Coimbatore - 641 018.

+1cc to Mr.M.Rani, Advocate, S.R.No.67913
+1cc to Mr.S.Saravanan, Advocate, S.R.No.67165

W.P.No.35244 of 2015

SVI (CO)

GN(12/10/2017)