

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2017

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P. No. 12344 of 2013

S.Gunasekaran

.... Petitioner

Vs.

1. The Registrar of Cooperative Societies,
Chennai-600010.

2. The Deputy Registrar of Cooperatives Societies,
Salem Region, Salem.

3. The Special Officer,
Vellalapatti Primary Agricultural
Cooperative Bank Ltd.,
Vellalapatti post,
Omalar Taluk, Salem District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent herein to change my designation as Office Assistant from the post of Salesman by considering my representation dated 12.10.2012.

For Petitioner :Mr.G.Punniyakotti

For Respondents:Mr.L.P.Shanmugasundaram,
Special Government Pleader (Cooperative)

ORDER

The relief sought for in this writ petition is for a direction to direct the respondents herein to change the petitioner's designation as Office Assistant from the post of Salesman by considering the petitioner representation dated 12.10.2012.

2. The writ petitioner was appointed as Salesman in the 3rd respondent Cooperative Society and accordingly, continues in service. Now the petitioner filed this petition for seeking re-designation as Office Assistant. First of all, the writ petition cannot be maintained in view of the legal principles stated by the Larger Bench of this Court 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. Since, the Cooperative Society is not a state within the meaning of Article 12 of the Constitution of India, the remedy lies to the writ petitioner before the competent authorities under the provisions of Tamil Nadu Co-Operative Societies Act, 2003.

3. Secondly, re-designation can never be claimed as a matter of right. In the event of any medical disabilities, an appropriate application has to be filed before the competent authority for providing light duty in the available sanctioned post. A mere direction for re-designation cannot be considered in this writ petition under Article 226 of the Constitution of India and further, any such grievances should be redressed only by filing appropriate revision petition under the provisions of Tamil Nadu Co-Operative Societies Act, 2003 before the competent authority.

4. Thus, no further adjudication on merits is required to be undertaken in this writ petition and accordingly stands dismissed as not maintainable. No costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

sk

To

1. The Registrar of Cooperative Societies,
Chennai-600010.
2. The Deputy Registrar of Cooperatives Societies,
Salem Region, Salem.
3. The Special Officer,
Vellalapatti Primary Agricultural
Cooperative Bank Ltd.,
Vellalapatti post,
Omair Taluk, Salem District.

+1 CC to Mr.L.P. Shanmuga Sundaram, Advocate sr 74672.

W.P.No.12344 of 2013

SP(06/11/2017)