

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2017

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

W.P.No.12751 of 2013 and M.P.No.1 of 2013

C.Subrahmani

... Petitioner

Vs

1. The Deputy Registrar of Coop. Societies,
Thiruvallur Circle, Collectorate Campus,
Thiruvallur, Thiruvallur District.

2. The Administrator,
Military Engineer Service Employees Coop,
Thrift and Credit Society Ltd.,
Avadi Camp Post, Thangaiyah Gate,
Avadi, Chennai - 54.

... Respondents

PRAYER: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus, to direct the 1st respondent to the 2nd respondent to furnish the relevant documents as required by the petitioner for submitting explanation for the charge memo issued against the petitioner on the basis of the written representation made by the petitioner on 25.03.2013.

For Petitioner : Mr.T.E.Badrinathan
for Mr.C.Prakasam

For R1 : Mrs.T.Girija,
Government Advocate

For R2 : Mr.L.P.Shanmugasundaram
Special Government Pleader

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The relief sought for in this writ petition is to direct the 1st and 2nd respondents to furnish the relevant documents as required by the writ petitioner for submitting explanation for the charge memo issued against the him on the basis of the written representation made by him on 25.03.2013.

2. The writ petitioner is an employee of the 2nd respondent Co-Operative Society registered under the provisions of the Tamil Nadu Co-Operative Societies Act. The co-operative society is not a state within the meaning of

Article 12 of the Constitution of India, thus, in fact, the writ petition can not be entertained against a Co-operative society, in view of the legal principles settled by the Hon'ble larger bench of this Court reported in K.Marappan Vs. Deputy Registrar of Co-operative Societies, Namakkal Circle, Namakkal [(2006) 4 CTC 689 (FB)].

3. On perusal of the charge memo, the same was issued by the Administrator of the Co-operative Society. This apart, the relief sought for in this writ petition is to produce the documents and all such perusal of documents is to be sought before the competent authority at the time of conducting the enquiry proceedings. The writ petitioner is at liberty to submit any application with a request for the perusal of the documents only during the enquiry proceedings and this will not provide a ground for the writ petitioner to move this writ petition. This apart, now, the documents can be received even through the RTI Act. In spite of availing such remedy, the writ petitioner has filed this writ petition only with an idea to prolong and protract the disciplinary proceedings. Thus very filing of this writ petition by the writ petitioner is to be deprecated.

4. In view of the fact that the relief sought for by the writ petitioner is against the Co-operative Society, the writ cannot be entertained, accordingly, stands dismissed as not maintainable. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS V)

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Sub Assistant Registrar

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To

1. The Deputy Registrar of Coop. Societies, Thiruvallur Circle, Collectorate Campus, Thiruvallur, Thiruvallur District.
2. The Administrator, Military Engineer Service Employees Coop, Thrift and Credit Society Ltd., Avadi Camp Post, Thangaiyah Gate, Avadi, Chennai - 54.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.74019

+1cc to the Government Pleader, S.R.No.74712

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