

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07-08-2017

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.9786 of 2015
and
MP Nos.1 and 2 of 2015

P.Malathi ... Petitioner

vs.

1. The Joint Registrar of Co-operative Societies,
Thiruvannamalai.
2. The Deputy Registrar of Co-operative Societies,
Thiruvannamalai.
3. The President,
HH-482, Vallivagai Primary Agricultural Co-op Bank,
Vallivagai,
Thiruvannamalai. ... Respondents

This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records of the second respondent in his order dated 30.7.2014 in Tha.Va.No.06/2014-15/Sa.Pa, quash the same.

For Petitioner : Mr.K.Rajendran

For Respondents-1&2 : Ms.T.Girija,
Government Advocate.

For Respondent-3 : Mr.L.P.Shanmugasundaram,
Special Government Pleader (Co-op).

O R D E R

The order impugned in this writ petition is passed by the Deputy Registrar of Co-operative Societies under Section 90 of the Tamil Nadu Co-operative Societies Act.

2. The writ petitioner was appointed to the post of Fertilizer Salesman and subsequently, promoted to the post of Senior Clerk.

3. The appointment of the writ petitioner was challenged by one Tmt.P.Chitra before the Deputy Registrar of Co-operative Societies under Section 90 of the Tamil Nadu Co-operative Societies Act. Under the provisions of the said Act, the service matters cannot be adjudicated under Section 90 and in fact, it is to be adjudicated by the Joint Registrar of Co-operative Societies under Section 153 of the Tamil Nadu Co-operative Societies Act. Thus, the Deputy Registrar of Co-operative Societies has erroneously exercised his jurisdiction under Section 90 of the Act, by entertaining the claim in respect of Tmt.P.Chitra, questioning the appointment of the writ petitioner as Senior Clerk in the Co-operative Society.

4. However, this Court is of the view that the writ petitioner has to approach appropriate authorities under Section 153 of the Tamil Nadu Co-operative Societies Act, questioning the validity of the order passed by the Deputy Registrar of Co-operative Societies under Section 90 of the said Act. This Court, however, need not entertain this writ petition for adjudication of the case on merits at this stage.

5. In this view of the matter, it is suffice if the matter is remitted back to the Joint Registrar of Co-operative Societies, Thiruvannamalai District. Accordingly, the order impugned in this writ petition dated 30.7.2014 in proceedings issued by the second respondent is quashed and the matter is remitted back to the Joint Registrar of Co-operative Societies, Thiruvannamalai District, to adjudicate the matter on merits and in accordance with law under Section 153 of the Tamil Nadu Co-operative Societies Act.

6. With this observation, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Svn

To

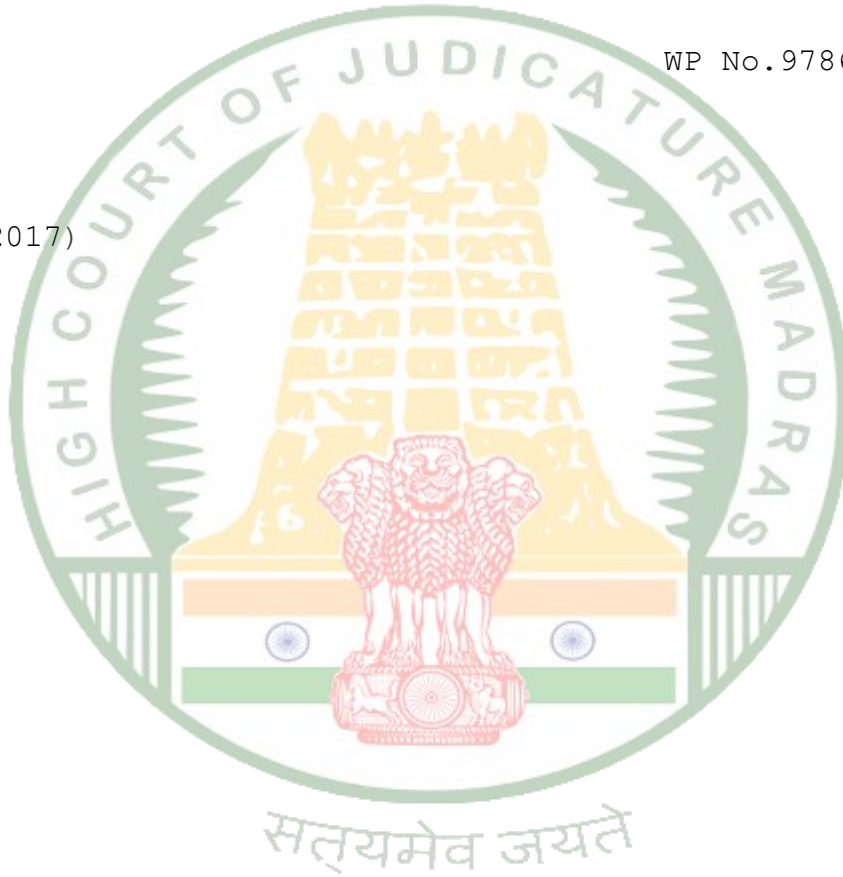
1. The Joint Registrar of Co-operative Societies,
Thiruvannamalai.
2. The Deputy Registrar of Co-operative Societies,
Thiruvannamalai.

+2cc to M/s.K.Rajendren, Advocate, S.R.No.57057

+1cc to the Government Pleader, S.R.No.56887

WP No.9786 of 2015

GJ II(CO)
CU(30/08/2017)



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