

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.31034 of 2003 and

W.P.M.P.No.37803 of 2003

D. Vinayagam

... Petitioner

vs.

The Special Officer,

The Harur Agro-Engineering & Service

Co-op. Centre, Ltd KK 390,

Harur - 636 903, Dharmapurai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records of the respondent relating to his order of suspension dated 10.04.2003, quash the same and issue consequential direction to instate him in service with all consequential benefits.

For Petitioner : No appearance

For Respondent : P.S. Shivashanmuga Sundaram

ORDER

The Writ Petitioner was appointed as a Driver in the Harur Agro Engineering and Service Co-operative Centre Limited, Harur. The present Writ has been filed challenging the Order of suspension dated 10.04.2003, and for a consequential direction to reinstate the Writ petitioner in service with all consequential benefits.

2. Admittedly, the interim order of suspension was issued by the Special officer of Harur Agro-Engineering & Service Co-op. Centre, Ltd in Proceedings dated 10.04.2003. Since the Co-

operative Society is not a State, within meaning of Article 12 of the Constitution of India, the Writ petition challenging the order passed by the Special Officer of the Co-operative Society, is not maintainable. The said principle is confirmed by the Hon'ble Larger Bench of this Court, in, K.Marappan /Vs/ The Deputy Registrar of Co-operative Societies, Namakkal Circle, Namakkal and another; reported in 2006(4) CTC Page no.689. In view of the Judgment of the Hon'ble Larger Bench of this Court and the Hon'ble Supreme Court, the Writ petition is not maintainable.

3. Accordingly, this Writ Petition No.31034 of 2003 is dismissed. No order as to costs. Consequently, connected Miscellaneous petition is closed.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

The Special Officer,
The Harur Agro-Engineering & Service
Co-op. Centre, Ltd KK 390,
Harur - 636 903, Dharmapurai District.

+1cc to Mr.R.Thamarai Selvan, Advocate SR.No.19393

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SDR 12.04.2017

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