

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :22.11.2017
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.16673 of 2010

V.Muthukumarasamy

..Petitioner

vs

1.The Deputy Registrar of
Co-operative Societies,
Pudhupalayam Main Road,
Cuddalore District.

2.The Special Officer,
T.Palayam Primary Agricultural
Co-operative Bank.,
T.Palayam Post,
Kulamchavadi(via)
Cuddalore District - 617 301.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus,
directing the first respondent herein to regularize the
petitioner's services as Accountant in the second respondent
society as per order of the then president of the society dated
03.05.1999.

For Petitioner : Mr.S.Balasubramanian
For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader
(Co-operatives)for R1
Mr.M.S.Palanisamy for R2

O R D E R

The relief sought for in this writ petition is for a
direction to the 1st respondent to regularize the services of the
writ petitioner in the 2nd respondent society.

2.Admittedly, the writ petitioner was appointed as Salesman
in the 2nd respondent society and thereafter, promoted to the
post of Accountant in the year 1999. However, the services of
the petitioner was not regularized. Thus, the writ petitioner
is constrained to move this writ petition under Article 226 of
the Constitution of India.

3.The relief sought for by the writ petitioner is against a
Co-operative society which is not a State within the meaning of
Article 226 of the Constitution of India. The legal principles

in this regard was settled by the Larger Bench of this Court in the case of K.Marappan Vs. The Deputy Registrar of Co-operative Societies and another reported in 2006 (4) CTC 689, the remedy lies to the writ petitioner before the competent authorities under the provisions of the Tamil Nadu Co-operative Societies Act. Thus, in respect of regularization, the Hon'ble Division Bench of this Court also delivered a judgment in the case of Justin and others reported in 2002 [4] CTC 389, the matter was considered by the competent authorities in accordance with the proof held in the case of Justin and Others(cited supra). Thus, no writ can be entertained against a Co-operative Society and it is left open to the writ petitioner to approach the competent authority under the provisions of the Act.

4.Accordingly, the writ petition stands dismissed as non-maintainable. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Deputy Registrar of
Co-operative Societies,
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Cuddalore District.

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Co-operative Bank.,
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+1 cc to Mr.S.Balasubramanian Advocate sr 83116
+1 cc to Govt Pleader sr83666

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sr(co)
aa13/2/2017