

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2017

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P. No. 25676 of 2013 and MP.No. 2 of 2013

V.Duraisamy

.... Petitioner

Vs.

1. The Joint Registrar of Coop. Societies,
Erode Region, Erode,
Erode District.

2. The Special Officer,
(now the President)
A.A.713, Kodumudi Growers.
Co-operative Credit Society Ltd.,
No.6/64, Bazaar Street,
Kodumudi - 635 151, Erode District. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the second respondent in his proceedings Na.Ka.No.1/2012/Pa.Tho, dated 08.09.2012 and quash the same and consequently direct the respondents to reinstate the petitioner into service with all backwages and attendant benefits and pass orders.

For Petitioner : Mr.C.Prakasam
For Respondents : Mr.L.P.Shanmuga Sundaram
Special Government Pleader

O R D E R

The writ petitioner was an employee of Co-operative Society and the disciplinary proceedings were initiated against the writ petitioner by framing the charge memo and after conducting enquiry, he was removed from services.

2. The order of termination vide proceedings dated 08.09.2012 was issued by a special officer of the second respondent / Co-operative society. The second respondent / Co-operative society is not a state within a meaning of Article 12 of the Constitution of India. The Larger Bench of this Court has stated the legal principles, 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 and held that the employees of the Cooperative Society have to exhaust the remedies available under the provision of the Act before filing any writ petition under Article 226 of the Constitution of India.

3. The petitioner is at liberty to prefer revision under Section 153 of the Act before the Competent authority and in the event of filing any such revision, the authority may consider to condone the delay in filing so.

4. Thus, this Court is not inclined to adjudicate this writ petition on merits and on the grounds raised in this writ petition. Accordingly, the writ petition is dismissed as not maintainable. Consequently connected miscellaneous petitions is closed.

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To.

1. The Joint Registrar of Coop. Societies,
Erode Region, Erode,
Erode District.
2. The Special Officer,
(now the President)
A.A.713, Kodumudi Growers.
Co-operative Credit Society Ltd.,
No.6/64, Bazaar Street,
Kodumudi - 635 151, Erode District.

+ 1 cc ti M/s.C.Prakasam, Advocate Sr.No.74611

W.P.No. 25676 of 2013

CO(NRI)
RRI 21/11/2017

WEB COPY