

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2017

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P. No. 19124 of 2013
and M.P.No.1 of 2013

M.Rajendran

.... Petitioner

Vs.

1.The Commissioner of Milk Production and
Diary Development,
Madhavaram, Chennai.

2.The General Manager,
Villupuram-Cuddalore District,
Co-op Milk Producers Union Ltd,
Villupuram.

.... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records of the 2nd respondent relating to the order in Na.Ka.No.8323/Pa.Aa2/2013 dated 02.07.2013, to quash the same.

For Petitioner : Mr.J.Muthukumaran

For Respondents : Mr.L.P.Shanmugasundaram,
Spl GP (Cooperative) for R1

Mr.K.N.Pandian for R2

सत्यमेव जयते

O R D E R

The charge memo issued to the writ petitioner in proceedings dated 02.07.2013, by the second respondent is under challenge in this writ petition.

2. On perusal of the charge memo, this Court is of the view that the writ petitioner instead of submitting an explanation / objection and participate in the process of enquiry, had moved this writ petition under Article 226 of the Constitution of India. First of all, the writ petition challenging the charge memo, issued by the Cooperative Society, is not maintainable, in view of the fact that the Cooperative Society which is not owned by the State has not come within the

meaning of Article 12 of the Constitution of India. The legal principles in this regard was settled by the Honourable Division Bench of this Court in the case of K.Marappan Vs. Deputy Registrar of Cooperative societies, Namakkal Circle, Namakkal 636 001 and another reported in 2006 4 CTC 689.

3. The learned counsel appearing for the writ petitioner made a submission that the charge memo was issued belatedly after a lapse of many years and further urged this Court on merits. Merits and grounds raised in this writ petition can be adjudicated by way of revision under Section 153 of the Tamil Nadu Cooperative Societies Act, 2003 and the competent authorities are bound to conduct proper enquiry by affording an opportunity to the parties concerned. The Honourable Larger Bench of this Court also settled this principles by stating that the Cooperative Society being not state within the meaning of Article 12 of the Constitution of India, and the employees of the Cooperative Society have to exhaust the remedies available under the provisions of the Act itself. In this view of the matter, the petitioner is at liberty to move a revision petition before the competent authority to redress his grievances.

4. Thus, no further adjudication on merits is required in this writ petition and accordingly, the same stands dismissed as not maintainable. No costs. Consequently connected miscellaneous petition is closed.

-sd/-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Commissioner of Milk Production and
Diary Development,
Madhavaram, Chennai.

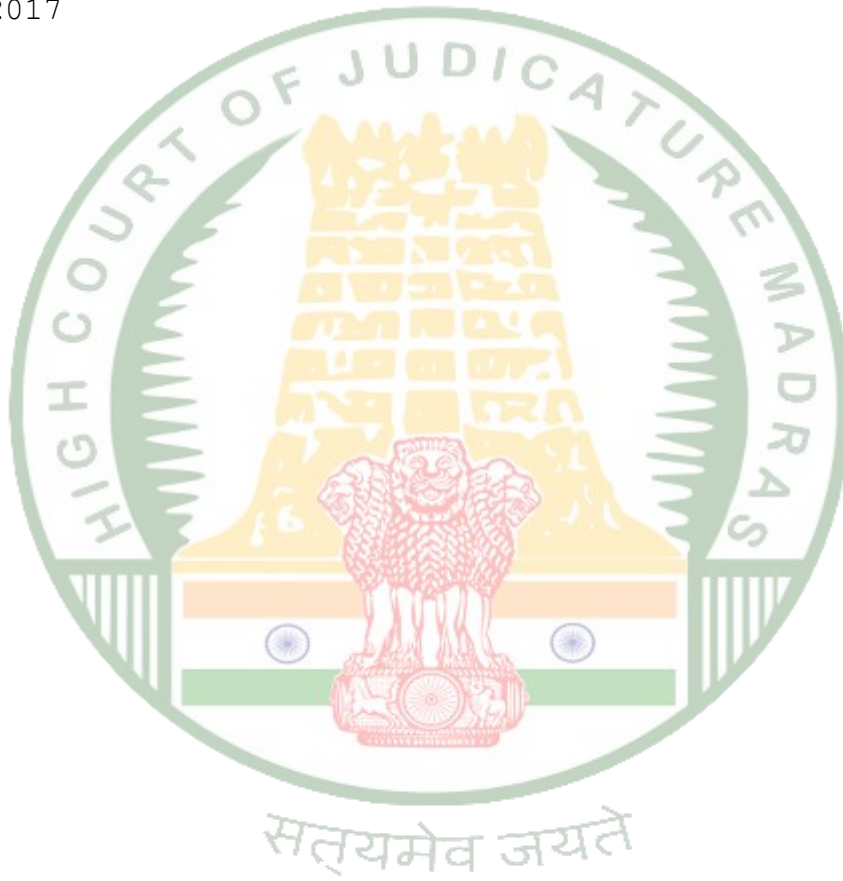
2.The General Manager,
Villupuram-Cuddalore District,
Co-op Milk Producers Union Ltd,
Villupuram.

+1 C.C. to M/S.J.Muthukumaran Advocate SR.NO.74500

+1 C.C. to M/S.K.N.PANDIAN Advocate SR.NO. 74113

W.P.No.19124 of 2013

VS 01.11.2017



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