

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.08.2017
Coram

The Hon'ble Mr. Justice S.M.SUBRAMANIAM

Writ Petition No.31634 of 2016 &
W.P.M.P.No.27450 of 2016

V.Gurusamy

...Petitioner

Vs.

1.The Joint Registrar of Co-operative Societies,
Salem Region, Salem.

2.S.838, N.Maniyakaranur Primary
Agricultural Co-operative Credit Society,
Rep. by its President,
Kongupatti Post, Omalur Taluk,
Salem District.

...Respondents

Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents to allow the petitioner to function as Secretary of S.838, N.Maniyakaranur Primary Agricultural Co-operative Credit Society, Omalur Taluk and pay the arrears of salary, all other benefits.

For Petitioner : Mr.C.K.Chandrasekhar

For Respondent 1 : Mr.L.P.Shanmugasundaram
Special Govt. Pleader (Co-op)

For Respondent 2 : Mr.M.S.Palanisamy

ORDER

The relief sought for in this Writ Petition is for a direction to direct the respondents to allow the petitioner to function as Secretary of S.838, N.Maniyakaranur Primary Agricultural Co-operative Credit Society, Omalur Taluk and pay the arrears of salary, and all other benefits.

2.The learned counsel for the writ petitioner vehemently contended that due to the family problems, the writ petitioner has submitted an application on 31.12.2013, for voluntary

retirement to the then President of the Society. However, the then the President had not accepted the same and thus, the writ petitioner has come forward with this writ petition.

3.However, on a perusal of the prayer sought for in this Writ Petition, this Court is of the view that the relief sought for is against the second respondent, which is a Co-operative Society registered under the provisions of the Tamil Nadu Co-operative Societies Act, 1983. No writ will lie against the Co-operative Societies, in view of the fact that the the Co-operative Society is not a State within the meaning of under Article 12 of the Constitution of India. The remedy lies to the employees of the Co-operative Societies under the provisions of the Tamil Nadu Co-operative Societies Act, more so, there is a provision for revision under Section 153 of the Act. It is left open for the writ petitioner to approach the Competent Authority under law. The legal principle in this regard was settled by the larger Bench decision of this Court in Marappan and others Vs. Deputy Registrar of Co-operative Societies, Namakkal reported in 2006 (4) CTC 689

4.Thus, the grounds and the averments raised on merits in this writ petition need not be considered at this stage and it is for the Writ Petitioner to adjudicate the same before the appropriate authorities.

5.Accordingly, the Writ Petition stands dismissed as not maintainable. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rpa/nmm
To

The Joint Registrar of Co-operative Societies,
Salem Region, Salem.

+1 cc to M/s.C.K.Chandrasekar Advocate sr 60603
+1 cc to the Government Pleader sr 61116
+1 cc to M/s.Palanisamy Advocate sr 60694

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rj(co)
aa23/10/2017