

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.08.2017
Coram

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

Writ Petition No.32141 of 2016
and
W.P.M.P.Nos.27887/16 14081 & 14082 of 2017

Bala Muthusamy,
S/o.K.Lakshmanan,
Selection Grade Supervisor on Deputation,
Bhavani Co-operative Primary Agriculture &
Rural Development Bank Ltd., No.K 555,
Bhavani, Erode District.Petitioner

Vs.

- 1.The State of Tamil Nade,
Rep. by its Secretary to Government,
Co-operation and Food Consumer Production Departmentm
Secretariat, Fort St. George,
Chennai-600 009.
- 2.The Registrar of Co-operative Societies,
Kilpauk, Chennai-600 010
- 3.The Joint Registrar of Co-operative Societies,
Erode Region,
Erode.
- 4.The Deputy Registrar of Co-operative Societies,
Gobichettipalayam Circle,
Gobichettipalayam, Erode District.
- 5.Bhavani Co-operative Primary Agriculture
and Rural Development Bank Ltd., No.K555,
Rep. by its President,
Bhavani, Erode District.Respondents

Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the respondents to pass orders for permanent absorption into 5th respondent Co-operative Bank with continuity of service by considering the services rendered in the earlier Co-operative Bank namely Ammapettai Co-operative Agriculture and Rural Development Bank Ltd., No.DR(L) C 15 Anthiyur Taluk, Erode District, for the purpose of continuity of service and for

fixation of pay scale and other service benefits with all consequential and other service benefits as ordered in similar cases, within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader (Co-op)

O R D E R

The relief sought for in this Writ Petition is for a direction to pass orders for permanent absorption into fifth respondent Co-operative Bank with continuity of service by considering the services rendered in the earlier Co-operative Bank namely Ammapettai Co-operative Agriculture and Rural Development Bank Ltd., No. DR(L) C 15 Anthiyur Taluk, Erode District, for the purpose of continuity of service and for fixation of pay scale and other service benefits with all consequential and other service benefits.

2.The Writ Petitioner was originally employed in Ammapettai Co-operative Society, and he was deputed to serve at Bhavani Co-operative Primary Agricultural and Rural Development Bank.

3.The learned counsel appearing for the petitioner submits that the Co-operative Agriculture and Rural Development Bank has passed a resolution for permanent absorption of writ petitioner and the said proposal is pending before the Register concerned.

4.However, the relief sought for in this Writ Petition is against the Co-operative Society and there is a remedy available for the writ petitioner, under the provisions of Tamil Nadu Co-operative Societies Act, 1953 to approach the Competent Authorities. No writ can be entertained as against the proceedings issued by the Co-operative Societies, since the Co-operative Society is not a State within the meaning of Article 12 of the Constitution of India. The legal principles 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.

5.Thus, it is left open to the writ petitioner to approach the Competent Authorities under the provisions of the Act and redress is grievances. The merits and demerits of this writ petition against the Co-operative Society cannot be adjudicated and therefore, the Writ Petition stands dismissed as not maintainable. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rpa/nmm

To

1. The Secretary to Government
The State of Tamil Nade,
Co-operation and Food Consumer Production Departmentm
Secretariat, Fort St. George,
Chennai-600 009.
- 2.The Registrar of Co-operative Societies,
Kilpauk, Chennai-600 010
- 3.The Joint Registrar of Co-operative Societies,
Erode Region, Erode.
- 4.The Deputy Registrar of Co-operative Societies,
Gobichettipalayam Circle,
Gobichettipalayam, Erode District.
- 5.Bhavani Co-operative Primary Agriculture
and Rural Development Bank Ltd., No.K555,
Rep. by its President,
Bhavani, Erode District.

+1 cc to the Government Pleader sr 61115
+1 cc to M/s.G.Sankaran Advocate sr 60520
+1 cc to M/s.L.P.Shanmugasundaram Advocate sr 60421

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