

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.13884 of 2004

and

WP.MP.No.16334 of 2004

S.Silambuselvi

..Petitioner

Vs

1.The Deputy Registrar of Co-operative Societies,  
Salem Region,  
Salem -7.

2.The Special Officer,  
Nadavalur Primary Agricultural  
Co-operative Bank Ltd.,  
Naduvalur Post, Gangavalli Circle,  
Salem District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned suspension order passed by the second respondent in his proceedings dated 18.10.2002 and quash the same.

For Petitioner : Mr.G.Bala

for M/s.G.Bala & S.Nirmala Daisy

For Respondents : Mr.L.P.Shanmugasundaram

Special Government Pleader

(Co-operative Societies), for R1

Mr.M.Mahalingam, for R2

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O R D E R

The order of suspension issued by the second respondent in proceeding dated 18.10.2002 is under challenge in this writ petition.

2. The writ petitioner was initially appointed as Clerk and thereafter promoted to the post of Accountant during the year 1996-97. On account of initiation of disciplinary proceedings the writ petitioner is placed under suspension by the second respondent in proceedings dated 18.10.2002. The order impugned in this writ petition was issued by the Special Officer of Co-operative Societies and the Co-operative Societies is not a state within the meaning of Article 12 of the Constitution of India. In view of the legal principles settled by the larger bench of this Honourable High Court in the case of K. MARAPPAN VS. DEPUTY REGISTRAR OF COOPERATIVE SOCIETIES, NAMAKKAL reported in 2006 (4) CTC 689. No writ can be entertained against the actions initiated by the Co-operative Societies or an order passed by the Management of the Co-operative Society and remedy will lie to the employees of the Co-operative Society before the competent authority under the provisions of the Tamilnadu Co-operative Societies Act, 1983.

3. Thus, the petitioner is at liberty to approach the competent authority under the provisions of the Tamilnadu Co-operative Societies Act and redress his grievances. Thus, no further adjudication is required on merits and the grounds raised in this writ petition.

4. Accordingly, the writ petition stands dismissed as not maintainable. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1.The Deputy Registrar of Co-operative Societies,  
Salem Region,  
Salem -7.

2.The Special Officer,  
Nadavalur Primary Agricultural  
Co-operative Bank Ltd.,  
Naduvalur Post, Gangavalli Circle,  
Salem District.

+ 1 cc to M/s.G.Bala & Daisy, Advocate Sr.No. 74518

W.P.No.13884 of 2004

RRI 20/11/2017



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