

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-10-2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.34735 of 2003

And

W.M.P.No.42201 of 2003

Tamil Nadu State Primary Co-operative
Bank All Employees Union,
Represented by its Secretary,
Mr.C.Kuppusamy,
Thennilai Post,
Aravakurichi Taluk,
Karur District.

.. Petitioner

-VS-

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Food Co-operative Department,
Fort St. George,
Chennai-600 009.

2.The Registrar of Co-operative Societies,
N.V.Natarajan Maligai,
No.170, E.V.R. High Road,
Kilpuak,
Chennai-600 010.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the second respondent from implementing the Circular having Ref.RC.No. 152654/2002/SF3, dated 7.11.2003 pending disposal of SLP Nos.4186 and 4187 of 2003 pending before the Honourable Supreme Court in so

far as the members of the petitioner's Union.

For Petitioner - Mrs.C.Uma for
Mr.R.Venkata Varathan.

For Respondents-1&2 - Mr.L.P.Shanmugasundaram,
Special Government Pleader (Co-
op.).

ORDER

The relief sought for in this writ petition is for a direction, forbearing the second respondent from implementing the Circular issued on 7.11.2003, pending disposal of SLP Nos.4186 and 4187 of 2003 pending before the Honourable Supreme Court of India.

2. The learned Special Government Pleader, appearing on behalf of the respondents, made a submission that the issues relating to the irregular appointment of the employees in the Co-operative Societies, was decided on 28th July, 2004 by the Honourable Supreme Court of India in the case of **A.Umarani vs. Registrar, Co-operative Societies and Others {(2004) 7 SCC 112}**.

3. Accordingly, now the appointments made contrary to the Tamil Nadu Co-operative Societies Act and Rules, cannot be regularised in view of the judgment of the Honourable Supreme Court of India. In this regard, the prayer, as such, sought for to quash the

Circular of the Registrar, cannot be considered and the principles laid down by the Apex Court in the case of **STATE OF KARNATAKA AND ORS. v. UMA DEVI AND OTHERS [(2006) 4 SCC 1]**, is to be followed in respect of regularising the irregular appointments of employees in the Co-operative Societies in the State. Thus, no further adjudication on the grounds raised in this writ petition is required to be considered.

4. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Speaking/Non speaking Order
Index : yes/no
Svn

06-10-2017

To

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State of Tamil Nadu,
Food Co-operative Department,
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Chennai-600 009.

2.The Registrar of Co-operative Societies,
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S.M.SUBRAMANIAM, J.

Svn



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