

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2017

CORAM

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

W.P.No. 15521 of 2004

S.Karthikeyan,
Internal Auditor
(removed from service),
D.D.25, The Dharmapuri
Co-operative
Printing Works Limited,
84, Industrial Park,
Dharmapuri - 636 705. ... Petitioner

Vs.

- 1.The Special Officer,
D.D.25, The Dharmapuri Co-operative
Printing Works Limited,
84, Industrial Park,
Dharmapuri - 636 705.
- 2.The Sub Registrar,
D.D.25, The Dharmapuri Co-operative
Printing Works Limited,
84, Industrial Park,
Dharmapuri - 636 705.
- 3.The Joint Registrar,
D.D.25, The Dharmapuri Co-operative
Printing Works Limited,
84, Industrial Park,
Dharmapuri - 636 705. .. Respondents

The writ petition is filed to issue a Writ of Certiorari or such other writ, order or direction, calling for the records on the file of the first Respondent in respect of the order dated 14.05.2004 removing the petitioner from service and quash the same.

For Petitioner : Mr.K.S.Gnanasambandan &
Mr.M.R.Jothimanian

For Respondents:
For R1: Mr.M.S.Palanisamy
For R2: No Appearance
For R3: Mr.L.P.Shanmugasundaram
Special Govt. Pleader

ORDER

Heard the learned counsel, appearing on behalf of the petitioner, as well as the learned counsel, appearing on behalf of the respondents.

2. This Writ petition has been filed to challenge the first Respondent order dated 14.05.2004 and quash the same.

3. The Writ Petitioner has filed the Writ Petition challenging the order of dismissal passed by the Special Officer of the Dharmapuri Co-operative Printing Works Limited dated 14.05.2004.

4. Admittedly, the writ petition is filed challenging the said order passed by the Special Officer of a Co-operative society. As per the legal principles laid down by the larger bench of this Court, in the case of K.Marappan v. The Deputy Registrar of Co-operative Societies, Namakkal Circle, Namakkal & Anr reported in 2006 (4) CTC 689 writ petition is not maintainable against a Co-operative Society.

5. The principle was based on the fact that the co-operative society is not a State within the meaning of Article 12 of the Constitution of India and further an effective and efficacious remedy is provided under the Tamil Nadu Co-operative Societies Act, and therefore, the writ petitioner has to exhaust the remedies available under the provisions of Tamil Nadu Co-operative Societies Act.

6. In view of the legal principle laid down by the larger bench of this Court, in the case cited supra, the present Writ Petition deserves, no further consideration.

7. Accordingly the Writ Petition is dismissed as not maintainable. No cost. सत्यमेव जयते

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Msm/rpa

To

1.The Special Officer,
D.D.25, The Dharmapuri Co-operative
Printing Works Limited,
84, Industrial Park,
Dharmapuri - 636 705.

2.The Sub Registrar,
D.D.25, The Dharmapuri Co-operative
Printing Works Limited,
84, Industrial Park,
Dharmapuri - 636 705.

3.The Joint Registrar,
D.D.25, The Dharmapuri Co-operative
Printing Works Limited,
84, Industrial Park,
Dharmapuri - 636 705.

+1cc to M/s. M.S.Palaniswamy, Advocate, S.R.No.19409
+1cc to Mr.M.R.Jothimanian, Advocate, S.R.No.19083
+1cc to the Government Pleader, S.R.No.19539

SS(CO)
EU 28.4.17

W.P.No.15521 of 2004

सत्यमेव जयते

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