

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2017

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.36982 of 2003
and
W.P.M.P.No.44900 of 2003

S.Vijayamala ... Petitioner

... Vs ...

1. The Joint Registrar of Co-operative Society,
Vellore Region,
Officer's Lane, Vellore.
2. Abdullapuram Primary Agricultural Co-operative
Bank Limited.,
Rep. by its Special Officers,
Abdullapuram and Post,
Vellore Taluk and District,
Vellore - 632 010. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the second respondent dated 16.06.2003 and quash the same and consequently direct the second respondent to follow the orders of this Court passed in W.A.No.2501 of 2001 etc., and the orders of the Hon'ble Supreme Court pending in C.A.No.1413 of 2003.

For Petitioner :No Appearance
For R-1 :Mrs.K.Bhuvaneswari,
Government Advocate
For R-2 :Mr.P.S.Sivashanmughasundaram,
Special Government Pleader

ORDER

The prayer in the writ petition is to call for the records of the second respondent dated 16.06.2003 and quash the same and consequently direct the second respondent to follow the orders of this Court passed in W.A.No.2501 of 2001 etc., and the orders of the Hon'ble Supreme Court pending in C.A.No.1413 of 2003.

2. The petitioner was appointed as a Clerk in the second respondent/Agricultural Co-operative Bank Limited on 01.02.2001. Contrary to the cadre strength, the petitioner was appointed and hence, she was removed from service on 19.09.2001. Against which, she has filed a revision petition before the Joint Registrar of Co-operative Societies and the said revision was dismissed. As against the same, the petitioner has made a representation to the second respondent/Special Officer and the Special Officer has also confirmed the order passed by the Joint Registrar of Co-operative Society.

3. Since the prayer in the writ petition is against the 2nd respondent Co-operative Society, the writ petition is not maintainable as against the Special Officer of the co-operative society, in view of the larger Bench Judgement of this Court in the case of K.Marappan vs. The Deputy Registrar of Co-operative Societies, Namakkal and another reported in 2006 (4) CTC 689. Hence, the Writ Petition stands dismissed. However, liberty is given to the petitioner to work out her remedy either before the Appellate Authority or before any other Forum. No costs. The connected miscellaneous petition is also dismissed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

Jrl

To

1. The Joint Registrar of Co-operative Society,
Vellore Region,
Officer's Lane,
Vellore.

2. The Special Officers,
Abdullapuram Primary Agricultural Co-operative
Bank Limited.,
Abdullapuram and Post,
Vellore Taluk and District,
Vellore - 632 010.

+1cc to Mr.A.R.Nixon, Advocate sr.60153

+1cc to Government Pleader sr.61054

W.P.No.36982 of 2003

ss (14/9/2017)