

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.38017 of 2003
and W.MP.No.46158

K.Rajagopal

... Petitioner

-vs-

The Special Officer,
A-1171, Allinagaram Primary
Agricultural Co-operative Bank Ltd.,
Allinagaram,
Theni District.

.. Respondent

Writ Petition filed under 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus, calling for the records relating to the order of the respondent No. nil dated 20.11.2003 passed against the petitioner and quash the same and consequently reinstate him with all back wages and services and monetary benefits.

For Petitioner : M/s.Vijayakumari Natarajan

For Respondent : Mr.K.Sathish
for M/s.S.Silambanan

ORDER

The order of dismissal issued by the respondent in proceedings dated 20.11.2003, is under challenge in this Writ Petition.

2.Admittedly, the writ petitioner was an employee of A-1171, Allinagaram Primary Agricultural Co-operative Bank Ltd., Co-operative Society registered under the Tamil Nadu Co-operative Acts, 1983.

3.The learned counsel appearing for the writ petitioner contended that the order of dismissal is illegal on the ground that an incompetent authority has issued the order. Further, the Rules of enquiry were not followed and no reasonable

opportunity as contemplated under the Rules was not offered to the writ petitioner.

4.Be that as it may, the question is whether the Writ Petition filed challenging the order passed by the Special Officer, Primary Agricultural Co-operative Bank Ltd., is maintainable or not? The said question was answered by the Larger Bench decision of this Court in the case of in K.Marappan vs. Deputy Director of Cooperative Society, Namakkal [2006 (4) CTC 689], and the legal principle was settled to the effect that no Writ Petition can be maintained against the order passed by the Special Officer of the Primary Agricultural Co-operative Bank Limited, since, the Co-operative Bank is not a State within the Article 12 of the Constitution of India. Further remedies are left upon to the writ petitioner under the provisions of Tamil Nadu Co-operative Societies Act.

5.Such being the factum and legal position, this Court is not inclined to consider all other grounds raised by the writ petitioner in his affidavit filed in support of this Writ Petition. Hence, the Writ Petition deserves no consideration and consequently stands dismissed as not maintainable. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

si/rpa

To

The Special Officer,
A-1171, Allinagaram Primary
Agricultural Co-operative Bank Ltd.,
Allinagaram, Theni District.

+1cc to Mr.Kaavya Silambanan,Advocate sr.45608

W.P.No.38017 of 2003 and
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lrs(co)
ss(19/7/2017)