



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2017

CORAM :

THE HONOURABLE MR. JUSTICE S. S. SUNDAR

W.P. (MD) No.5298 of 2017

and

W.M.P. (MD) Nos.4250 and 4251 of 2017

Pethaperumal

... Petitioner

Vs.

1.The Deputy Registrar of Cooperative Society,
Pattukottai,
Thanjavur District.

2.T1203-Sethubavachatram Primary
Agricultural Cooperative Credit Society,
Sethubavachathram,
Peravurani Taluk,
Thanjavur District,
Represented by its President.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus call for the records pertaining to the 1st respondent proceedings No.Na.Ka.3554/2016 Ku.Vi.Ka dated 16.09.2016 and consecutive show cause notice sent by the 1st respondent to the 2nd respondent and others in Proceedings no. Na.Ka.1249/2017/sa.pa dated 04.03.2017 in-respect of the Petitioner is concern quash the same and consequently directing the respondents to re-instate the Petitioner as Fertilizer Salesmen cum Junior Assistant in the 2nd respondent's office within the time limit stipulated by this Court.

For Petitioner

: Mr.RM.Arun Swaminathan

For Respondents

: Mr.J.Gunaseelan Muthaiah
Government Advocate

ORDER

This Writ Petition has been filed by the petitioner for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the first respondent proceedings dated 16.09.2016 and consecutive show cause notice sent by the first respondent to the second respondent and others in Proceedings dated 04.03.2017, in-respect of the petitioner is concerned quash the same and consequently directing the respondents to re-instate the petitioner as Fertilizer Salesmen cum Junior Assistant in the second respondent's office within the time limit stipulated by



this Court.

2. Heard, the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

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3. Based on complaints received and the report of a Committee, the Secretary of the Sethubavachatram Primary Agricultural Cooperative Credit Society was directed to be placed under suspension, pending disciplinary action as per the impugned proceedings of the respondent dated 16.09.2016. While directing the President of above said Society to take action for suspending the Secretary of the Society, there was further direction not to permit two of the employees including the petitioner to work in the Cooperative Society. Consequently, by proceedings dated 16.09.2016, a show cause notice has been issued vide proceedings dated 04.03.2017, which is also impugned in this writ petition. The petitioner in this writ petition is one of the employees of the Cooperative Society, who was appointed by outsourcing is violation of Bye Laws of the Society. From the reading of the impugned show cause notice, it is seen that the office bearers of the Society are being accused and facing charges for appointing the petitioner and another in violation of Special Bye laws of the Society and for fixing and disbursing salary to the petitioner and another. The petitioner, though states that he is qualified for the post in which he was appointed has not whispered anything about the irregularities pointed out in the manner by which he was appointed against the Bye laws of the Society. Hence there is no scope for entertaining this writ petition, particularly having regard to the facts in this case. It is also held by the full Bench of this Court that writ petition is not maintainable against Cooperative Society.

4. In such circumstances, this Court is not inclined to entertain the Writ Petition. However it is open to the petitioner to challenge his non employment before the Industrial Tribunal, if it is permissible in law.

5. With the above observation, this Writ Petition is dismissed. No Costs.

Sd/-

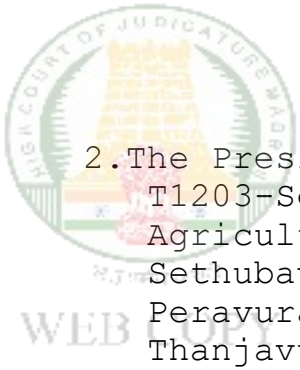
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Deputy Registrar of Cooperative Society,
Pattukottai,
Thanjavur District.



2.The President,
T1203-Sethubavachatram Primary
Agricultural Cooperative Credit Society,
Sethubavachathram,
Perayurani Taluk,
Thanjavur District.

+1cc to Mr.R.M.Arun Swaminathan, Advocate, SR.18654

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CMR/GSP

kk/SKN/SAR3-24.04.2017-3P-4C