

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.03.2019

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

W.P.No.9098 of 2018

and

W.M.P.No.9621 of 2019

C.Shakila Begum

..Petitioner

vs

1.Joint Registrar of Co-operative Societies/
Managing Director,
Triplicane Urban Co-operative Society Limited
Chennai – 600 005

2.The Deputy Registrar(Non-thrift)/
Arbitrator, Second Floor,
Kuralagam, Broadway,
Chennai – 600 108.

3.The Deputy Registrar/
Administrative Officer,
Triplicane Urban Co-operative Society limited
Chennai – 600 005.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, call for the records relating to the impugned order of the 1st respondent dated 12/02/2019 in Na.Ka.No.323/18/E2 in order No.52 and the consequential notice issued by the 2nd respondent in Dispute No.21/2018-2019 dated 08/03/2019 and to quash the same and consequently direct the respondents to re-instate me in service with all the monetary benefits forthwith.

For Petitioner : Mr.D.Abdullah
For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader
(Cooperatives)

ORDER

The order of punishment of removal from service issued by the Management of the 3rd respondent Society in proceedings dated 12.02.2019 is under challenge in the present writ petition.

2.The learned counsel for the writ petitioner states that the writ petitioner is no way responsible for the allegations set out in the impugned order of punishment. Thus, the Court should entertain the writ petition on merits.

3.The learned Special Government Pleader appearing on behalf of the respondents states that the 3rd respondent Society is a Cooperative Society, registered under the Tamil Nadu Cooperative Societies Act and there is no Government funding and accordingly, no writ petition can be entertained in view of the Larger Bench of this Court in the case of **Marappan and others Vs. Deputy Registrar of Co-operative Societies, Namakkal reported in 2006 (4) CTC 689.**

4.Even otherwise also, there is a statutory remedy provided under the

Tamil Nadu Cooperative Societies Act. Thus, the writ petitioner has to exhaust the remedy provided and the Revisional authority under the Act is competent to adjudicate the merits and demerits and also the legal grounds now raised in the present writ petition.

5.This being the factum, the writ petitioner is at liberty to approach the competent authority under Section 153 of the Cooperative Societies Act for the redressal of his remedy both on merits and as well as on legal grounds. In the event of preferring any such Revision Petition, the authority competent shall consider the same on merits and dispose as expeditiously as possible.

6.With these observations, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

29.03.2019

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Internet:Yes/No

Index:Yes/No

Speaking / Non-Speaking order

S.M.SUBRAMANIAM, J.

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To

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