

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K. SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.116 of 2015
and M.P.No.1 of 2015

C.Jayaraman

.... Appellant

-vs-

The Special Officer,
Vellore District Central Co-operative Bank Ltd.,
No.3, Officers Line,
Vellore - 632 001.

.... Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent against the order passed in W.P No.14286 of 2012 dated 05.11.2012.

W.P. 14286/2012:

Writ petition filed under Article 226 of the constitution of India praying for a Writ of Certiorarified Mandamus to call for the records relating to the impugned Charge Memo in Na.Ka.No.385/ 2012/ E12 dated 28.2.2012 issued by the respondent and quash the same and consequently directing the respondent and quash the same and consequently directing the respondent to settle the entire retirement benefits to the petitioner on the date of retirment on 29.2.2012 alongwith interest for the delay in payment.

For Appellant : Mr.G.Sankaran

For Respondent : Mr.G.Thilakavathy, S.C.
for M/s.R.Gopinath

J U D G M E N T

[Judgment of the Court was delivered by
K.K.SASIDHARAN,J.]

The Writ Petition challenging the charge memo dated 28.02.2012 was dismissed by the learned single Judge on the ground that such a Writ Petition is not maintainable. The

learned single Judge directed the appellant to approach the revisional authority under the Tamil Nadu Cooperative Societies Act.

2. The constitution has now given a special status to the Cooperative Societies by inserting part IX B, by the Constitution (Ninety Seventh Amendment) Act, 2011.

3. In view of the special status now given to the Cooperative Societies, the earlier view that Writ Petition is not maintainable against cooperative societies is no more a good law.

4. We are, therefore, of the view that the issue raised by the appellant should be decided on merits.

5. Accordingly, the order dated 05.11.2012 is set aside. The Writ Petition in W.P.No.14286 of 2012 is restored to file. The matter is remanded to the Writ Court for fresh consideration on merits.

6. We are informed by the learned counsel for the appellant that the appellant is suffering from serious ailment and that he is paralysed.

7. In view of the said submission, we request the learned single Judge to take up the matter and dispose of the same as expeditiously as possible.

8. The intra Court appeal is disposed of as indicated above. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

Copy to

The Section officer

Writ Section, High Court, Madras.

(To list the WP as per procedure)

+1 CC to Mr.G. Sankaran, Advocate sr 38399.

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and M.P.No.1 of 2015

SP(06/07/2018)