

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :12.12.2018

CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.12884 of 2004

V.Sampath

..Petitioner

vs

1.The Joint Registrar of Co-operative Societies,
Villupuram Region,
Villupuram District.

2.The Special Officer,
F 87, Chengalwarayan,
Co-operative Sugar Factory Employees
Thrift & Credit Society Ltd.,
Periyar Sevalai,
Ulundurpettai Taluk,Villupuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in the proceeding dated 23.03.2002 which was published in the News paper Thinathanthi dated 24.03.2002 and quash the same and consequently direct the 2nd respondent herein to re-instate the petitioner in service with all monetary and other attendant benefits.

For Petitioner : Mr.K.Raja

For RR1 : Ms.T.Girija, GA, (Co -op)

For RR2 : Mr.D.Nandakumar

O R D E R
सत्यमेव जयते

The order of removal dated 23.03.2002 issued by the Special officer of the second respondent Co-operative Society, is under challenge in the present writ petition.

2. Admittedly, the writ petitioner was employed in the second respondent Co-operative Society as Secretary. On account of certain allegations, disciplinary proceedings were initiated against him and a domestic enquiry was conducted. Based on the proved charges, the Special Officer of the second respondent Co-operative Society imposed the punishment of removal from service.

3. No writ petition can be entertained against the orders passed by the Special officer/ Management of the Co-operative

Society registered under the provisions of the Tamilnadu Co-operative Societies Act. The Co-operative Societies registered under the Tamilnadu Co-operative Societies Act is not a state within the meaning of Article 12 of the Constitution of India. Thus, the remedy to the employees of the Co-operative Societies lies before the competent authorities under the provisions of the Act itself. The Tamil Nadu Co-operative Societies Act is a comprehensive legislation and a revision is provided under section 153 of the Act. The powers of the Registrar under the Act has been delegated to the Regional Joint Registrars who are empowered to entertain the revision against the orders passed by the Special Officer/Management of the Co-operative Society. Thus, the present writ petition is not maintainable. The legal principles in this regard are settled by the Larger Bench of this Court in the matter of K.Marappan Vs. Deputy Registrar, Co-operative Societies and another reported in 2006 (4) CTC 689. The writ petitioner is at liberty to approach the competent authority under the provisions of the Act. In the event of any such representation being made, the authorities may pass orders on merits and in accordance with law. Accordingly, the writ petition stands dismissed as not maintainable. There shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mfa

To

1.The Joint Registrar of Co-operative Societies,
Villupuram Region,
Villupuram District.

2.The Special Officer,
F 87, Chengalwarayan,
Co-operative Sugar Factory Employees
Thrift & Credit Society Ltd.,
Periyar Sevalai, Ulundurpettai Taluk,
Villupuram District.

+1cc to Mr.K.Raja, Advocate, S.R.No.86894

+1cc to the Government Pleader, S.R.No.86683

W.P.No.12884 of 2004

KK(CO)

rrs 25/01/2019