IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.12.2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.29043 of 2005

1.R.Kuppammal
2.R.Ramesh
3.R.Rajesh
4.Adhilakshmi
5.Geetha ..Petitioners

..Vs..

1. Melarungunam Primary Agriculture Co-operative Bank,
   E.No.2649, Rep.by its Special Officer,
   Melarungunam, Panrutti Taluk,
   Cuddalore District.

2. Joint Registrar of Co-operative Societies, (Credit)
   Cuddalore & District. .. Respondents

PRAYER :
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 first respondent pertaining to the dismissal order passed against Mr.Rangan, Secretary by the first respondent in his proceedings No.E.2649, dated 06.10.2003, quash the same an in consequent to that direct the respondents to pay the petitioners all monetary benefits as if no such order.

For Petitioner :Mr.R.Krishnan

For Respondent :Mrs.T.Girija
Government Advocate
(Co-operative Society)for R1

No appearance for R2

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O R D E R

The order of dismissal from service issued by the first respondent Co-operative Society in Proceedings No.E.2649, dated 06.10.2003 is under challenge in the present writ petition.

2. On a perusal of the order impugned dated 06.10.2003

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enclosed in Page No.9 of the typed set of papers filed along with the present writ petition. The said order was passed by the Special Officer of the Co-operative Society.

3. The Co-operative Society registered under the Provisions of the Tamil Nadu Co-operative Societies Act, 2003 has not stated within the meaning of Article 12 of the Constitution of India. Thus, no writ petition is maintainable, in view of the legal principles settled by the larger bench of this Court in the case of K.Marappan vs. Deputy Registrar of Co-operative Societies, Namakkal Circle, Namakkal 636 001 and another reported in 2006 4 CTC 689. The remedy lies to the employees of the Co-operative Societies before the Revisional Authority under Section 153 of the Act. Without exhausting the remedies available under the Provisions of the Act, no writ petition can be entertained under Article 226 of the Constitution of India. Thus, the writ petitioner is at liberty to approach the Competent Authorities under the provisions of the Tamil Nadu Co-operative Societies Act, 2003 for redressing the grievances in respect of the penalty.

4. Accordingly, the writ petition stands dismissed as not maintainable. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Pns

To

1. Melarungunam Primary Agriculture Co-operative Bank,
   E.No.2649, Rep.by its Special Officer,
   Melarungunam, Panrutti Taluk,
   Cuddalore District.

2. Joint Registrar of Co-operative Societies, (Credit)
   Cuddalore & District.

+1cc to the Government Pleader, S.R.No.86686

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