

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2018

CORAM

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

W.P.Nos.7911 & 7912 of 2018

W.P.No.7911 of 2018

L.Manjula

...Petitioner

Vs

1.Additional Registrar of Co-operative Societies
Chennai Region
Chennai-18.

2.Deputy Registrar of Co-operative Societies(Credit)
Kuralagam Buildings
Chennai - 600 002.

3.Managing Director/Co-Operative Sub Registrar,
Chennai Corporation Officials Cooperative Society Ltd.,
Chennai-7.

4.President
Chennai Corporation Officials Co-operative
Society Limited, Chennai - 7.

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus, directing the respondents to consider the petitioner's request dated 22.11.2017 for release of audit objection on the petitioner's promotion and to give pay and allowances as per proceedings of Registrar of Co-operative Societies Na.Ka.No.12738/2010 Va.Aa-1, dated 07.12.2010.

W.P.No.7912 of 2018

P.M.Raghunathan

...Petitioner

Vs

1.Additional Registrar of Co-operative Societies
Chennai Region, Chennai-18.

2.Deputy Registrar of Co-operative Societies(Credit)
Kuralagam Buildings
Chennai - 600 002.

3.Managing Director/Co-operative Sub Registrar
Chennai Corporation Officers Co-operative
Society Ltd., Chennai - 7.

4.President
Chennai Corporation Officials Co-operative
Society Limited, Chennai - 7.

... Respondents

PRAYER : Petitions filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus, directing the respondents to consider the petitioner's request dated 22.11.2017 for release of audit objection on his promotion and to given pay and allowances as per proceedings of Registrar of Co-operative Societies Na.Ka.No.12738/2010 Va.Aa-1, dated 07.12.2010.

For Petitioners : Mr.N.Diwankattuva [in both WPs]

For Respondents : Mr.L.P.Shanmugasundaram [in both WPs]
Special Government Pleader [Co-op]

C O M M O N O R D E R

The relief sought for in these writ petitions are for a direction to consider the petitioners' request dated 22.11.2017 for release of audit objection on the petitioners' promotion and to give pay and allowances as per proceedings of Registrar of Co-operative Societies in Na.Ka.No.12738/2010 Va.Aa-1, dated 07.12.2010.

2.The writ petitioners were appointed in 4th respondent Co-operative Society and subsequently, their services are confirmed and now they are working as a permanent employee of 4th respondent Co-operative Society.

3.The learned counsel appearing on behalf of the respondents states that the audit objection raised in respect of the pay and allowances of the writ petitioners as applicable as per the registrar's circular No.12738 dated 07.12.2010. In this regard, they submitted representations to the first respondent. However, the same has not been considered.

4.This court is of the opinion that the writ petitioners are employees of the Co-operative Societies, which is not a 'State' within the meaning of Article 12 of the Constitution of India. Thus, the writ against a Co-operative Society cannot be entertained under Article 226 of the Constitution of India, in view of the Legal Principles laid down by the Larger bench of

this Court in K.Marappan and Ors. Vs. the Deputy Registrar of Co-operative Societies reported in 2006(4) CTC 689, held that no writ will lie against a Co-operative Society. It is for the writ petitioner to work out his remedy by filing an appropriate petition before the competent authority under the provisions of the Tamilnadu Co-operative Societies Act, 1983. In view of the precedent stated supra, this Court is not inclined to consider the grounds raised in these writ petitions.

5. Accordingly, these writ petitions shall stand dismissed as not maintainable. However, there is no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

may

To

1. Additional Registrar of Co-operative Societies
Chennai Region
Chennai-18.

2. Deputy Registrar of Co-operative Societies (Credit)
Kuralagam Buildings
Chennai - 600 002.

3. Managing Director/Co-Operative Sub Registrar,
Chennai Corporation Officials Cooperative Society Ltd.,
Chennai-7.

+ 2 cc to Mr.N.Diwanattuva Advocate, SR.25478, 25479

W.P.Nos.7911 & 7912 of 2018

ppa (co)
nr 06/04/2018

WEB COPY