

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9212 of 2013

G.Selvaraju ... Petitioners
vs.

1. The Registrar of Co-op.Societies,
Kilpauk, Chennai 600 010.

2. The Joint Registrar of Coop.Societies,
Villupuram Region, Villupuram.

3. The Deputy Registrar,
Tirukovilur District - 605 757.

4. The Special Officer,
I.I.520, Veerapandi Primary
Agricultural Co.op.Bank Ltd,
Veerapandi Village & Post,
Tirukovilur Taluk, Villupuram District. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Mandamus, directing the 3rd respondent to consider the representation dated 20.12.2012 of the petitioner regarding reinstatement and regularization of services, in the light of judgement dated 29.10.2002 in W.A.No.1707/2002 etc and W.P.No.35905/2002 etc batch.

For Petitioner : M/s.G.Punniyakoti

For Respondents 1- 3 : Mrs. T.Girija Government Advocate (Co-op)

M/s.T.P.Savitha for R4

O R D E R

The relief sought for in the present writ petition is for a direction to direct the 3rd respondent to consider the representation submitted by the writ petitioner on 20.12.2012 for reinstatement and for regularisation of his services based on the judgement of this Court.

2. The learned counsel appearing on behalf of the writ petitioner brought to the notice of this Court that, the writ petitioner was appointed as Salesman on daily wage basis with effect from 20.03.2000 in the Fair price shop at Anna Nagar Village. However, the petitioner was terminated from service with effect from 26.02.2001.

3. The learned counsel for the writ petitioner states that , the petitioner is fully qualified for appointment to the post of Salesman and therefore he is entitled to be regularized in the sanctioned post. The learned counsel appearing on behalf of the 4th respondent Society made a submission

that, the writ petitioner had served as a daily wage employee for a period of about one year and therefore he cannot be brought under regular establishment. the regularisation is to be done only by following the recruitment rules in force and with the approval of the Competent Authority of the Co-operative Department. Thus, the writ petition is devoid of merits.

4. This Court is of an opinion that, the writ petitioner was employed as a daily wage employee for a period of one year in the 4th respondent Co-operative Society. Co-operative Society registered under the provisions of the Tamil Nadu Co-operative Societies Act is not a State within a meaning of Article 12 of the Constitution of India. Thus, no writ petition can be entertained against the Co-operative Society. The grievances of the employees of the Co-operative Society are to be redressed by way of a Revision Petition to be preferred under Section 153 of the Tamil Nadu Co-operative Societies Act before the Competent Authorities.

5. The legal principles in this regard are settled by the larger Bench of this Court in the case of Marappan Vs Deputy Registrar of Co-operative Societies reported in 2006 4 CTC 689. Even on merits, the writ petitioner was employed as Salesman on daily wage basis only for a period of one year till 26.02.2001. The present writ petition has been filed on 03.04.2013 after a lapse of about 12 years from the date of termination of services.

6. This being the factum of the case, the writ petitioner is not entitled for regularisation even on merits. Accordingly, the writ petition stands dismissed. No Costs.

22.10.2018

Index : Yes

Internet: Yes

Speaking Order

pkn

To

1. The Registrar of Co-op.Societies,
Kilpauk, Chennai 600 010.

2. The Joint Registrar of Coop.Societies,
Villupuram Region, Villupuram.

3. The Deputy Registrar,
Tirukovilur District - 605 757.

4. The Special Officer,
I.I.520, Veerapandi Primary
Agricultural Co.op.Bank Ltd,
Veerapandi Village & Post,

Tirukovilur Taluk, Villupuram District.

S.M.SUBRAMANIAM.J
pkn

W.P.No.9212 of 2013

22.10.2018