

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09-08-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.2759 of 2017

And

W.M.P.Nos.2693 and 2694 of 2017

R.Rajendran

.. Petitioner

Versus

The Managing Director,
The Vriddhachalam Agri Producers'

Co-operative Marketing Society Ltd No.E.1430,
Vriddhachalam-606 001,
Cuddalore District. ... Respondent

PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the entire records pertaining to the order in Na.Ka.No.1/2016 dated 20.12.2016 passed by the respondent and to quash the same.

For Petitioner : Mr.G.Mutharasu

For Respondent : Mr.L.P.Shanmugasundaram
Special Government Pleader (Co-op.).

O R D E R

The relief sought for in this writ petition is to quash the order dated 20.12.2016 passed by the respondent-Co-operative Society in respect of the disciplinary proceedings initiated against the writ petitioner.

2. Admittedly, the order impugned has been passed by the respondent-Managing Director of the Vriddhachalam Agricultural Producers' Co-operative Marketing Society Limited, which is a Co-operative Society registered under the provisions of the Tamil Nadu Co-operative Societies Act, 1983. On account of certain allegations, disciplinary proceedings were initiated against the writ petitioner and instead of defending the case before the authorities competent, the writ petitioner has chosen to file the

present writ petition, challenging the order passed by the Managing Director of the Co-operative Society.

3. A Co-operative Society is not a State within the meaning of Article 12 of the Constitution of India and the employees aggrieved from and out of the order passed by the Management of the Co-operative Society, have to exhaust the remedies available under the provisions of the Act itself. Thus, a revision provision is available under the Act and the writ petitioner has to exhaust the remedies available under the Act. The legal principles, in this regard, are settled by the larger Bench of this Court in the case of K.Marappan vs. Deputy Registrar of Co-Operative Societies, Namakkal Circle, Namakkal [(2006) 4 CTC 689 (FB)].

4. In this view of the matter, the writ petitioner is at liberty to approach the appropriate competent authority to redress his grievances under the Act. Thus, the writ petition cannot be entertained and accordingly, it is dismissed as not maintainable. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(CS viii)

//True Copy//

Sub Assistant Registrar

Svn

+2 cc to Mr.L.P.Shanmugasundaram Advocate SR.NO. 54950&54951

+1 Cc to Mr.G.Mutharasu Advocate SR.NO. 55176

+1 cc to government pleader SR.NO. 55016

सत्यमेव जयते

WP 2759 of 2017

ASK(05/09/2018)

WEB COPY