

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2018

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.15550 of 2018

S.S.Shankar

.. Petitioner

-vs-

1. The Registrar of Cooperative Societies  
Poonamallee High Road  
Kilpauk, Chennai 600 010
  2. The Deputy Registrar of Cooperative Societies  
(Credit)  
Kuralagam, Chennai 600 108
  3. The Life Insurance Corporation Employees'  
Cooperative Bank Limited (Regd.)  
I Floor, No.8, Esplanade, Kuralagam  
Chennai 600 108  
by its General Manager i/c
  4. The Secretary  
Life Insurance Corporation Employees'  
Cooperative Staff Union  
I Floor, No.8, Esplanade, Kuralagam  
Chennai 600 108
- .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to appoint an enquiry officer not below the rank of a serving Deputy Registrar of Cooperative Societies or a retired officer in the cadre of Deputy Registrar of Cooperative Societies and conduct enquiry with regard to the irregularities alleged to have taken place in the third respondent Bank, within a date to be stipulated by this Hon'ble Court and furnish a copy of such enquiry report to the petitioner.

For Petitioner ::

Mr.M.P.Venkateswaran

For Respondents::

Mr.L.P.Shanmughasundaram  
Special Government Pleader  
for R1 to 3

## ORDER

This writ petition has been filed by Mr.S.S.Shankar, who claims to be an Assistant working in the City Branch office of the Life Insurance Corporation of India situated at No.13, Bombay Mutual Buildings, V Floor, No.232, N.S.C.Bose Road, Chennai, seeking a mandamus directing the first respondent to appoint an enquiry officer not below the rank of a serving Deputy Registrar of Cooperative Societies or a retired officer in the cadre of Deputy Registrar of Cooperative Societies to conduct enquiry with regard to the irregularities alleged to have taken place in the third respondent Bank, within a date to be stipulated by this Hon'ble Court and also to furnish a copy of such enquiry report to the petitioner.

2. Learned counsel for the petitioner submitted that the third respondent is a registered society under the Tamil Nadu Cooperative Societies Act, 1983 and granted license by the Reserve Bank of India to run a banking business. Since the Life Insurance Corporation Employees' Cooperative Bank Limited, the third respondent herein was under the administrative control of the Board of Directors, in view of the status quo order passed by the Madurai Bench of this Court not to proceed with any election process, which was subsequently modified by the Supreme Court, now the elections have been held and only the declaration of results have not been made. As the matter is pending on the file of this Court, the petitioner being a 'A' class member in the third respondent Bank and holding 12,000 shares with a face value of Rs.100/- per share and is also not a defaulter in the repayment of the loan borrowed from the third respondent, certain issues seem to have arisen in the third respondent bank during the tenure of the erstwhile Board of Directors between the third respondent and the fourth respondent staff union. While so, banners have been displayed by the fourth respondent staff union in the cooperative bank premises containing various demands. After seeing the banner with the writing that there are irregularities taking place in the bank, the petitioner tried to ascertain what are the irregularities. But he was unable to find out what are the problems. But somehow, as he was able to see several banners being erected here and there drawing the notice of the superior officers, till date, no steps have been taken to consider the case of the union who have put up the banners. Hence, the petitioner has been advised to come to this Court seeking the aforementioned relief.

3. This Court finds it very difficult to entertain the writ petition at the instance of the petitioner for the following reasons. Firstly, the petitioner has not even given any representation to any officer or competent authority seeking to resolve the problems. The index to the typedset of papers filed by the petitioner also does not show any such representation having been made, which is a pre-condition for moving the writ

petition. Secondly, the learned counsel for the petitioner also is unable to inform the Court what are the problems the staff of the fourth respondent are facing. When this Court repeatedly asked what is the problem of the staff or at least the petitioner is facing warranting the erection of banners by the fourth respondent union, the learned counsel is unable to mention even a single irregularity or problem. If that is the case, it is not known how this Court can blindly issue a direction. Therefore, the writ petition is dismissed with costs of Rs.5,000/- to be paid by the petitioner to the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras for wasting the precious time of the Court. Consequently, W.M.P.No.18450 of 2018 is also dismissed. No costs.

Sd/-  
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

SS  
To

1. The Registrar of Cooperative Societies  
Poonamallee High Road  
Kilpauk, Chennai 600 010
2. The Deputy Registrar of Cooperative Societies  
(Credit)  
Kuralagam, Chennai 600 108
3. The General Manager i/c  
Life Insurance Corporation Employees'  
Cooperative Bank Limited (Regd.)  
I Floor, No.8, Esplanade, Kuralagam  
Chennai 600 108

Copy to: the Secretary, Tamil Nadu, Mediation and Conciliation  
Centre, High court, Madras. 104

+ 1 cc to Mr.L.P. Shanmugasundaram, Advocate Sr.41336

W.P.No.15550 of 2018

(CS-DR)  
EU(03/07/2018)