

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13-07-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.16855 of 2013

And

M.P.Nos.1 and 2 of 2013

N.Rajendran

.. Petitioner

Versus

1.The Joint Registrar of Co-operative Societies,
Salem Region, Salem-7.

2.The Special Officer,
S.1315, Karichipatti Primary Agricultural
Co-operative Bank Ltd.,
Murungapatti Post,
Sivadhapuram,
Salem District.

3.The President,
S.1315, Karichipatti Primary Agricultural
Co-operative Bank Ltd.,
Murungapatti Post,
Sivadhapuram,
Salem District.

.. Respondents

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 records of the impugned show cause notice dated 15.6.2013 issued by the third respondent herein and quash the same.

For Petitioner : Mr.I.C.Vasudevan

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

O R D E R

The show cause notice was issued by the third respondent-President, Karichipatti Primary Agricultural Co-operative Bank

Ltd., Murungapatti Post, Sivadhapuram, Salem District, in proceedings dated 15.6.2013, is under challenge in this writ petition.

2. The writ petitioner was appointed as a Salesman in the Laguvapatti Grama Angadi on 6.8.1983 and his services were regularised with effect from 16.5.1984. The writ petitioner was promoted to the post of Fertilizer Salesman and further promoted as Grade-I Clerk with effect from 27.9.1997. On account of certain allegations, disciplinary proceedings were initiated against the writ petitioner and the writ petitioner was placed under suspension. The third respondent-President of the Co-operative Society issued a show cause notice, seeking certain explanations from the writ petitioner, within a period of seven days from the date of receipt of the show cause notice. Instead of submitting his explanations/objections, the writ petitioner preferred the present writ petition, challenging the very show cause notice dated 15.6.2013.

3. First of all, the impugned show cause notice has been issued by the third respondent-Co-operative Society, which is not a State within the meaning of Article 12 of the Constitution of India. Secondly, no writ can be entertained against a show cause notice and the writ can be entertained only on exceptional circumstances, if the same has been issued by an incompetent authority having no jurisdiction or allegation of mala fides are raised or if the same is in violation of the Statutory Rules in force. None of these grounds are raised in the present writ petition.

4. However, the show cause notice has been issued by the President of the Co-operative Society and in the event of passing any final order on receipt of the explanation, then the writ petitioner is at liberty to approach the competent authorities under the provisions of the Tamil Nadu Co-operative Societies Act, 1983. In other words, the remedy lies to the employees of the Co-operative Society under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983 and no writ can be entertained and the legal principles in this regard are settled by the larger Bench of this Court in K.Marappan vs. Deputy Registrar of Co-Operative Societies, Namakkal Circle, Namakkal [(2006) 4 CTC 689 (FB)].

5. In this view of the matter, the writ petition is liable to be dismissed both on the ground that no writ can be entertained against a show cause notice and no writ can be entertained against a Cooperative-Society.

6. Thus, the writ petition stands dismissed as not maintainable. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar(CS IX)

//True copy//

Sub Assistant Registrar

Svn

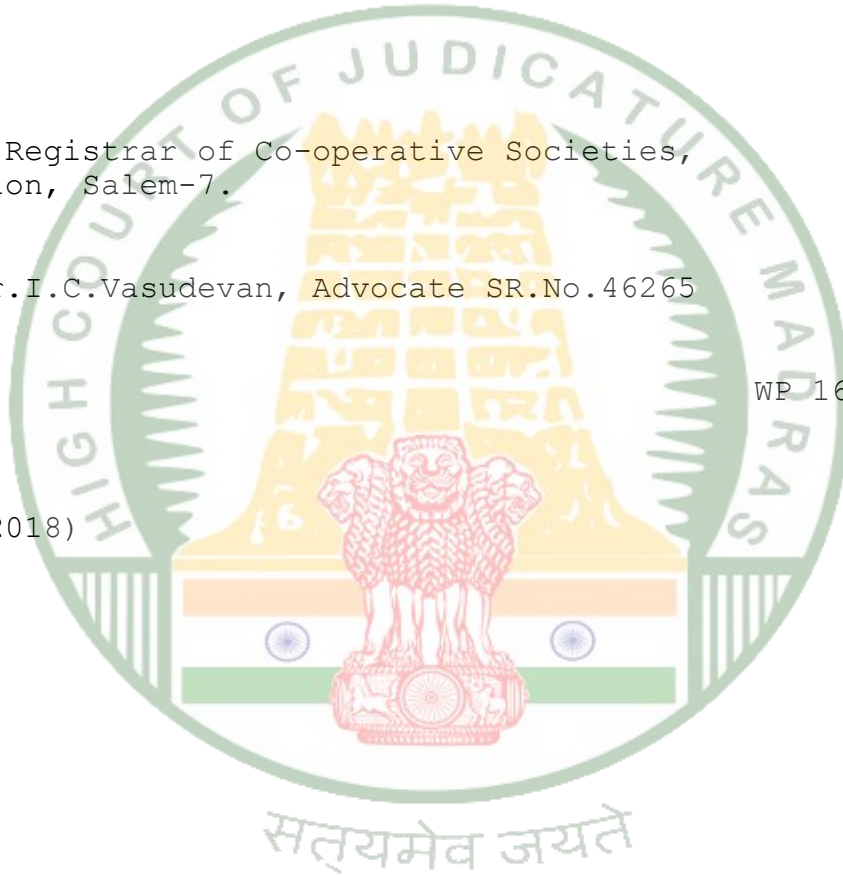
To

The Joint Registrar of Co-operative Societies,
Salem Region, Salem-7.

+1cc to Mr.I.C.Vasudevan, Advocate SR.No.46265

WP 16855 of 2013

SJ(CO)
GN(25/07/2018)



WEB COPY