

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.01.2018

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

W.P.No.45448 of 2006

V.Nithyanandam

..Petitioner

vs

1.The Registrar of Co-operative Societies,
E.V.R.Periyar Road,
Kilpauk, Chennai - 600 010.

2.The Deputy Registrar of
Co-operative Societies,
55-A, Ellappa Nagar, 3rd Street,
Kanchipuram.

3.Special Officer,
Kanchipuram Central Co-operative Bank,
Kanchipuram.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling the records from the 2nd Respondent relating to the impugned order Na.Ka.646/2003 Ve.Se.Sa. dated 3.6.2005 and quash the same and direct the Respondents to fix the Petitioner's salary above his immediate junior Mr.Chellappa. Award cost and render justice.

For Petitioner : No Appearance

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader
(Co-operatives) for R1 & R2
Mr.R.Gophinath for R3

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O R D E R

The relief sought for in this writ petition is to call for the records in respect of the orders passed by the 2nd respondent in proceedings dated 03.06.2005 and quash the same and direct the respondents to fix the petitioner's salary above his immediate junior Mr.Chellappa.

2.The grievance of the writ petitioner is that his junior was getting higher salary than that of the salary of the petitioner. In this regard, the Deputy Registrar of Co-operative Societies, Kanchipuram, passed an order in proceedings dated 03.06.2005, rejecting the claim of the writ petitioner. Thus, the writ petitioner is constrained to move the present writ petition.

3.In respect of the service matters of the employees of the Co-operative Society, the Deputy Registrar has no authority under the provisions of the Tamil Nadu Co-operatives Societies Act to pass any orders. The powers of the Registrar is delegated to the Joint Registrar to consider the service conditions of the employees of the Co-operative Society, more specifically, by way of revision under Section 153 of the Tamil Nadu Co-operatives Act. Thus, under the provisions of the Tamil Nadu Co-operative Societies Act, the Deputy Registrars have no powers to deal with the service matters in relation to the employees of the Co-operative Societies.

4.Thus, the order passed by the Deputy Registrar is without jurisdiction. However, the claim of the writ petitioner in respect of the grant of salary on par with his junior has to be considered only on merits and in accordance with law by the competent authority, namely, the Joint Registrar of Co-operative Societies under Section 153 of the Tamil Nadu Co-operative Societies Act.

5.In this view of the matter, the writ petitioner is at liberty to approach the competent authority by way of Revision under Section 153 of the Tamil Nadu Co-operative Societies Act, within a period of four weeks from the date of receipt of a copy of this order. If any revision is received by the competent authority, then it is left open to the authority to consider the same on merits and in accordance with law within a reasonable time.

6.With these observations, the writ petition stands disposed of. However, there shall be no order as to costs.

s/d-
Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

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To

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SJ(CO)
SP(09/02/2018)



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