



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 26.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
W.P(MD)No.20499 of 2018

and

W.M.P. (MD)Nos.18243 to 18245 of 2018

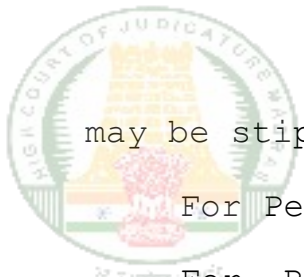
M.Subburayan

... Petitioner

vs.

- 1.The Joint Registrar of Co-operative Societies,
Combined Co-Operative Campus,
Collectorate Campus,
Thanthonimalai, Karur-7,
Karur District.
 - 2.The Deputy Registrar of Co-Operative Societies (Personnel),
Head of the committee,
Disciplinary Action Review committee,
O/o, the Joint Director of Co-Operative Societies,
Combined Co-Operative Campus,
Collectorate Campus,
Thanthonimalai, Karur-7,
Karur District.
 - 3.The President,
R-1598, Thalavapalayam Primary Agricultural
Co-Operative Credit Society,
Thalavapalayam Post,
Manmangalam Taluk,
Karur District.
 - 4.The Enquiry Officer,
R-1598, Thalavapalayam Primary Agricultural
Co-Operative Credit Society,
Thalavapalayam Post,
Manmangalam Taluk,
Karur District.
- ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 1st respondent in his proceedings No.ந.க.1434/2018/தொலைநகர dated 21.08.2018 and quash the same as illegal and consequently to direct the 3rd respondent to place the matter (Disciplinary proceedings) before the 2nd respondent Disciplinary Action Review Committee and proceed further after giving opportunity to the petitioner in the light of proceedings issued by the Registrar of Co-Operative Societies in his proceedings in Na.Ka.17933/2013/PAS 1(1) dated 09.02.2016 and by considering the petitioner's representation dated 27.07.2018 within the period that



may be stipulated by this Court.

For Petitioner : Mr.C.Venkateshkumar

for M/s Ajmal Associates

For R1 and R2 : Mr.M.Pandiarajan, Additional Govt.Pleader

For R3 and R4 : Mr.J.Gunaseelan Muthiah

Additional Government Pleader

ORDER

The petitioner has come forward with this writ present challenging the proceedings of the first respondent dated 21.08.2018 and for consequential direction to the third respondent to place the matter (Disciplinary proceedings) before the 2nd respondent / Disciplinary Action Review Committee and proceed further after giving opportunity to the petitioner in the light of proceedings issued by the Registrar of Co-Operative Societies in his proceedings in Na.Ka.17933/2013/PAS 1(1) dated 09.02.2016 and by considering the petitioner's representation dated 27.07.2018 within the period that may be stipulated by this Court.

2.Mr.M.Pandiarajan, learned counsel takes notice for the respondents 1 and 2. Mr.J.Gunaseelan Muthiah, learned Additional Government Advocate, takes notice for the respondents 3 and 4.

3.This Court has already entertained the similar issue in W.P. (MD)No.3107 of 2018, wherein by order dated 02.03.2018 this Court has held as follows:-

"2.It is true that the Registrar of Co-operative Societies had issued a circular dated 09.02.2016 containing a set of instructions. Clause 15 of the said circular is relevant. It has been directed that in the disciplinary action review committee will be constituted for every district so as to prevent arbitrary action by the President of the concerned society. In this case, the President had issued a charge memo. The same has also been placed before the Review Committee. It is admitted on either side that the Review Committee has issued notice and heard both parties. But the Review Committee has not passed any final order. Therefore, the Review Committee is directed to pass orders on the petition dated 29.11.2017 submitted by the petitioner in this regard. The disciplinary action initiated by the third respondent will abide by the out come of the said order. Till then, the disciplinary action initiated against the writ petitioner vide charge memo dated 22.11.2017 shall be kept in abeyance."

4.However, in view of the dictum laid down in State of Assam -vs- Barak Upatyaka D.U.Karmachari Sanstha reported in 2009-IV/LLJ-279(SC) and in the case of Marappan .s. The Deputy Registrar of Cooperative Societies, Namakkal reported on 2006(4) CTC 689, Writ Petition will not lie against the Cooperative Societies and as such



the Writ Petition is not maintainable. It is open to the Petitioner to approach the authorities concerned under the Payment of Gratuity Act for necessary relief.

5. Accordingly, the Writ Petition is dismissed. This dismissal order will not preclude the Petitioner for agitating the remedy before the appropriate forum in the manner known to law. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-IV)

TO

1. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES, COMBINED CO-OPERATIVE CAMPUS, COLLECTORATE CAMPUS, THANTHONIMALAI, KARUR - 7, KARUR DISTRICT.

2. THE DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETIES (PER), HEAD OF THE COMMITTEE, O/O. THE JOINT DIRECTOR OF CO-OPERATIVE SOCIETIES, COLLECTORATE CAMPUS, THANTHONIMALAI, KARUR - 7

3. THE PRESIDENT R-1598, THALAVAPALAYAM PRIMARY AGRICULTURAL CO-OPERATIVE CREDIT SOCIETY, THALAVAPLAYAM PO, THANTHONIMALAI, KARUR - 7 KARUR DISTRICT.

4. THE ENQUIRY OFFICER, R-1598, THALAVAPALAYAM PRIMARY AGRICULTURAL CO-OPERATIVE CREDIT SOCIETY, THALAVAPLAYAM PO, MANMANGALAM TK, KARUR DISTRICT.

• 1 CC TO M/s Ajmal Associates, ADVOCATE IN SR No.86994.
+1 cc to Special Government Pleader, SR.No.87543.

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