



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2018

CORAM :

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THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.(MD) No.15287 of 2013

N.Meenalakshmi

... Petitioner

Vs.

1.The Registrar of Co-operative Societies,
Poonamalli High Road, Chennai-600 019.

2.The Joint Registrar of Co-operative Societies,
V.O.C.Nagar, Thanjavur-613 007.

3.The Deputy Registrar of Co-operative Societies,
Sarankapani Kovil Street,
Kumbakonam-612 001.

4.The Administrator,
Papanasam Co-operative Urban Bank Ltd.,
Papanasam-614 205, Thanjavur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent to pass orders to regularize the petitioners service with effect from 09.10.1995 and consequently direct the fourth respondent to pay the arrears of salary and other benefits.

For Petitioner : Mr.N.S.Ramakrishna Dass

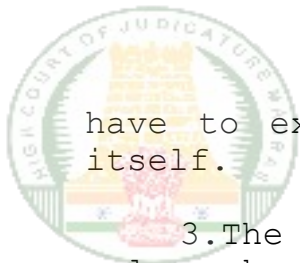
For Respondents : Mr.M.Muthu

Additional Government Pleader

ORDER

The relief sought for in this writ petition is for a direction to direct the first respondent to pass orders to regularize the petitioner's service with effect from 09.10.1995 and to direct the fourth respondent to pay arrears of salary and other benefits.

2.The learned Additional Government Pleader appearing on behalf of the respondents states that during the pendency of the writ petition, the writ petitioner was removed from service on 19.07.2013. Now, the writ petitioner is not in service. This apart, the present writ petition is filed against the Co-operative Society, which is not State within the meaning of Article 12 of the Constitution of India. The employees of the Co-operative Society



have to exhaust the remedy available under the provisions of Act itself.

3. The learned counsel appearing for the petitioner states that salary due to the writ petitioner has not been paid.

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4. In this regard, the petitioner has already approached the competent authority under the provisions of the Act. However, the claim of the writ petitioner for regularization cannot be considered in view of the fact that the writ petitioner had already been removed from service. Further, the writ petition against the co-operative society cannot be entertained in view of the legal principles laid down by the Full Bench of this Court in K. Marappan Vs. The Deputy Registrar of Co-operative Societies reported in 2006 (4) CTC 689. Thus, it is left open to the writ petitioner to approach the competent authority under the provisions of the Act.

5. In this view of the matter, no further adjudication is required in this writ petition. Accordingly, the writ petition is dismissed as not maintainable. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To

1. The Registrar of Co-operative Societies,
Poonamalli High Road, Chennai-600 019.

2. The Joint Registrar of Co-operative Societies,
V.O.C. Nagar, Thanjavur-613 007.

3. The Deputy Registrar of Co-operative Societies,
Sarankapani Kovil Street, Kumbakonam-612 001.

4. The Administrator,
Papanasam Co-operative Urban Bank Ltd.,
Papanasam-614 205, Thanjavur District.

+1CC TO M/S.C.SANKAR PRAKASH, ADVOCATE, SR NO.52247

+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.52901

W.P. (MD) No.15287 of 2013

01.03.2018

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MS/SV/SAR-1/26.03.2018/2P.7C