



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :01.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP(MD).No.5967 of 2013
and
M.P(MD).No.1 of 2013

N.Rajesh

.. Petitioner

Vs.

1.The Joint Registrar of Co-operative
Societies,
Nagercoil.

2.The Deputy Registrar of Co-operative
Societies,
Nagercoil.

.. Respondents

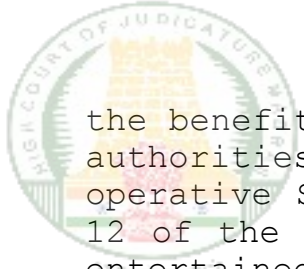
Prayer: Petition filed under Article 226 of Constitution of India, praying for issuance of a writ of Mandamus, directing the respondents to consider the petitioner's representation dated 16.11.2012 for the regularization of the petitioner's service by counting the petitioner's service from the date of the petitioner's appointment made on 1997 and also to give all employment benefits like seniority, promotion, regular and yearly increments, as per the rules and bye laws of the Society and also to grant proper salary.

For Petitioner : Mr.V.Nagendran
For Respondents : Ms.VPM.Vaishnavi
Government Advocate

ORDER

The relief sought for in this writ petition is for a direction to direct the respondents to consider the petitioner's representation dated 16.11.2012 for regularization of the petitioner's service by counting the petitioner's service from the date of appointment made in the year 1997. The order of appointment of the writ petitioner is enclosed in page no.1 of the typed set of papers filed along with this writ petition.

2.The president of the Sarakkal Villai, Primary Agricultural Co-operative Bank issued an order of appointment on 20.12.1997. As per the order of appointment the writ petitioner was appointed as clerk on consolidated pay. However, the writ petitioner was appointed in the Co-operative Society, which is Registered under the provisions of the Tamilnadu Co-operative Society Act, 1983. Thus,



the benefit of regularization has to be claimed before the competent authorities under the provisions of the Act itself. The Co-operative Society is not the "State" within the meaning of Article 12 of the Constitution of India. Thus, no writ proceedings can be entertained against the Co-operative Society. In view of the legal principles settled by the larger bench of this Court in the case of "Marappan and others Vs. Deputy Registrar of Co-operative Societies, Namakkal reported in 2006 (4) CTC 689", the remedy lies to the employee of the Co-operative society under the Provision of the the Act.

3. In view of the legal principles settled by the larger Bench the present writ petition cannot be entertained and accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl. side)

/True Copy/

Sub Assistant Registrar

To

1. The Joint Registrar of Co-operative Societies,
Nagercoil.

2. The Deputy Registrar of Co-operative Societies,
Nagercoil.

+1cc to Special Government Pleader, SR.No. 52897

+1cc to M/S.V.Nagendran, Advocate SR.No. 52463

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01.03.2018

rmk/ta

JM/SV MMS/SAR 4/19.03.2018/2P/5C