

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.02.2019
CORAM
THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.3233 of 2019 and
W.M.P.No. 3488 & 3489 of 2019

Tmt.S.Periyanayagam

...Petitioner

Vs

- 1.The Thiruvavarur Region Co-operative Societies
Rep by its Joint Registrar
Thiruvavarur & district.
2. The Erukkaattur Primary Agriculture
Co-operative Society Ltd.,
Rep by its Secretary
Z-A-11, Erukkaattur, Koothanallur (TK),
Thiruvavarur District.
3. Tmt.N.Sarmiladevi
W/o Navamani
Junior Asistant
Z.A. 11, Erukkaattur Primary Agriculture
Co-op Credit Society Ltd.,
Koothanallur Tak., Thiruvavarur District.
4. Mr.T.A.P. Selvapandiyan
President
Z.A. 11, Erukkaattur Primary Agriculture
Co-op Credit Society Ltd.,
Koothanallur Tk.,
Thiruvavarur District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of declaration, declaring the 3rd respondent's promotion of the Junior Assistant from Salesman is illegal, arbitrary and further directing the 2nd respondent to place the petitioner as Junior Assistant.

For Petitioner

: Mr.P.Vijendran

For Respondents

: Mr.D.Venkatachalam
For R1 & R2

O R D E R

The relief sought for in the present writ petition is to declare the promotion granted in favour of the 3rd respondent's promotion of the junior Assistant from Salesman is illegal, arbitrary and further to direct the 2nd respondent to place the petitioner as Junior Assistant.

2. Admittedly, both the writ petitioner as well as the 3rd respondent are the employees of the Co-operative Society registered under the provisions of the Tamil Nadu Co-operative Society Act. Thus, the petitioner has to approach the competent authorities under the provisions of the Tamil Nadu Co-operative Societies Act for the purpose of redressing his grievances.

3. A Co-operative Society registered under the Tamil Nadu Cooperative Societies Act is not a "State" within the meaning of Article 12 of the Constitution of India and therefore, no writ petition can be entertained 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.

4. In view of the fact that the relief sought for in the present writ petition is against the Co-operative Society, the writ petitioner is at liberty to approach the competent authorities by way of a revision petition under the provisions of the Tamil Nadu Co-operative Societies Act.

5. With these observations, the writ petition stands dismissed as not maintainable. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

kak/kmm

To

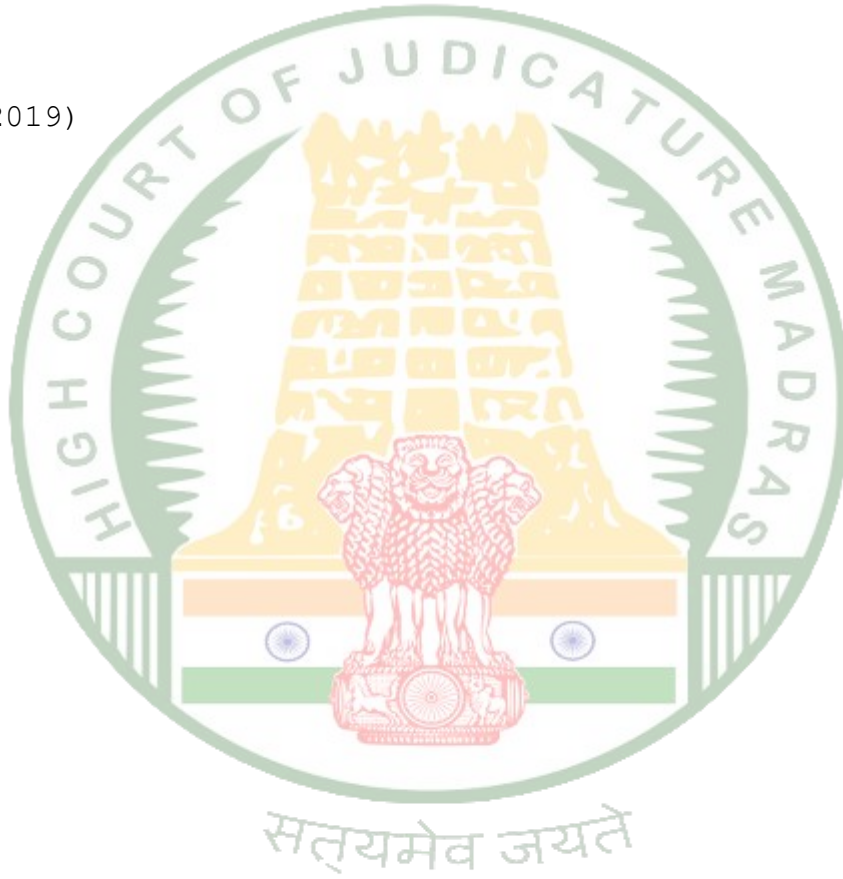
1.The Thiruvarur Region Co-operative Societies
Rep by its Joint Registrar
Thiruvarur & district.

2. The Erukkaattur Primary Agriculture
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Rep by its Secretary
Z-A-11, Erukkaattur, Koothanallur (TK),
Thiruvavarur District.

+1cc to Mr.P.Vijendran, Advocate, S.R.No. 10368
+1cc to the Government Pleader, S.R.No. 10232

W.P.No.3233 of 2019

CA(CO)
GN(07/03/2019)



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