

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.25423 to 25425 of 2004

S.Thilagar ...Petitioner in W.P.No.25423 of 2004
P.Jothiraman ...Petitioner in W.P.No.25424 of 2004
M.panneerselvam ...Petitioner in W.P.No.25425 of 2004

Vs

- 1.The Registrar of Co-operative Societies,
Kilpauk,
Chennai - 600 010.
2. Deputy Registrar of Co-operative Societies,
Mayiladuthurai
3. Special Officer,
OS 42, Sirkali Primary Agricultural
and Rural Development Bank Ltd,
No.6, Sattanathar Colony,
Sirkali Taluk,
Nagapattinam District. ...Respondents in all WPs.

COMMON PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to reinstate the petitioner into service in the 3rd respondent Society with a direction to the respondents to sanction all consequential service benefits including directions to pay to the petitioner the arrears of salary from 15.05.2002 till date of reinstatement.

For Petitioners: Mr.S.Sadasharam
(in all writ petitions)

For Respondents: M/s.T.Girija,
Government Advocate (Co-op)
for R1 & R2.
Mr.B.Anand for R3
(in all Writ petitions)

C O M M O N O R D E R

The relief sought for in these present writ petitions is to direct the respondents to reinstate the petitioners into service in the 3rd respondent Society with a direction to the respondents to sanction all consequential service benefits including the pay productions.

2. Admittedly, the writ petitioners were employed as daily wages in the 3rd respondent Cooperative Bank, which is a society registered under the provisions of the Tamil Nadu Co-operative Societies Act 1983.

3. The grievances of the writ petitioners are that they were removed from service without following the procedures contemplated and in violation of the Special bylaws and the statutes. Thus, the writ petitioners are constrained to move the present writ petitions.

4. A Co-operative Society registered under the provisions of the Tamil Nadu co-operative Societies Act 1983 is not a State within the meaning of Article 12 of constitution of India. Thus, the employees aggrieved, who all are working in the respondent society have to exhaust the remedy provided under the Act itself. The legal principles in this regard are settled by 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.

5. In view of the decision, the petitioners have to approach the competent authorities under the provisions of the Tamil Nadu Co-operative Societies Act for the purpose of redressing their grievances and the writ petitioners are at liberty to do so by following the procedures as contemplated.

6. With these observations, all the writ petition stand dismissed as not maintainable. However, there shall be no order as to costs.

kak/kmm

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

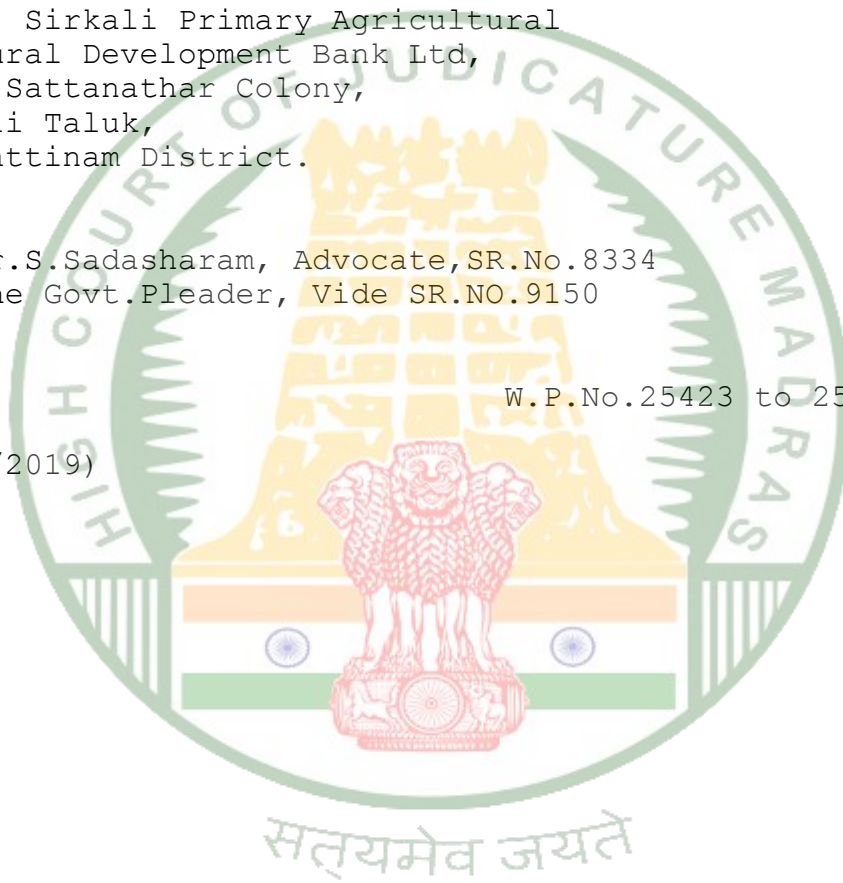
To

- 1.The Registrar of Co-operative Societies,
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2. Deputy Registrar of Co-operative Societies,
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3. Special Officer,
OS 42, Sirkali Primary Agricultural
and Rural Development Bank Ltd,
No.6, Sattanathar Colony,
Sirkali Taluk,
Nagapattinam District.

+3cc to Mr.S.Sadasharam, Advocate,SR.No.8334
+1cc to the Govt.Pleader, Vide SR.NO.9150

W.P.No.25423 to 25425 of 2004

Kak (30/03/2019)



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