

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :28.02.2019
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.5660 of 2019

V.Desingu

..Petitioner

vs

- 1.The Registrar of Cooperative Societies
No.170, E.V.R.Periyar High Road
Kilpauk, Chennai -10.
- 2.The Joint Registrar of Cooperative Societies
Vengikkal Village,
Tiruvannamalai Taluk and District.
- 3.The Deputy Registrar of Cooperative Societies
Vengikkal Village,
Tiruvannamalai Taluk and District.
- 4.The Secretary
HH.485, Keeranur PACB
Keeranur Village, Kilpennathur Taluk
Tiruvannamalai District. ..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to consider and pass appropriate orders on the petitioner's representation dated 24.09.2018 to reinstate the petitioner at Night Watchman in the 4th respondent Bank or else to consider the petitioner's son for the same job.

For Petitioner : Mr.V.Prakash Babu
For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader
(Cooperatives)

W E B C O P Y
O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents herein to consider and pass appropriate orders on the petitioner's representation dated 24.09.2018 to reinstate the petitioner at Night Watchman in the 4th respondent Bank.

2.Even for issuing a direction to direct the representation, the petitioner is bound to establish a legal

right.

3.In the present case on hand, admittedly, the writ petitioner was employed in the 4th respondent Cooperative Society, which is registered under the Tamil Nadu Cooperative Societies Act. This apart, the writ petitioner has not enclosed the appointment order nor enclosed the order of removal from service.

4.The learned counsel for the writ petitioner states that the writ petitioner was orally terminated from service. Even in such circumstances, the writ petitioner has to exhaust the remedy provided under the Tamil Nadu Cooperative Societies Act, more specifically, under Section 153 of the Act. Contrarily, no direction issued to consider the representation can be granted in view of the fact that no writ can be entertained against the Cooperative Society as the Society is not a "State" within the meaning of Article 12 of the Constitution of India. The legal principles are 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.

5.Thus, the writ petitioner is at liberty to approach the competent authorities under Section 153 of the Tamil Nadu Cooperative Societies Act for the redressal of his grievances in the manner known to law.

6.Accordingly, the writ petition stands dismissed as not maintainable. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

//True Copy//

सत्यमेव जयते Sub Assistant Registrar

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To

1.The Registrar of Cooperative Societies
No.170, E.V.R.Periyar High Road
Kilpauk, Chennai -10.

2.The Joint Registrar of Cooperative Societies
Vengikkal Village,
Tiruvannamalai Taluk and District.

3.The Deputy Registrar of Cooperative Societies
Vengikkal Village,
Tiruvannamalai Taluk and District.

+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No. 19698
+1cc to the Government Pleader, S.R.No. 19392

W.P.No.5660 of 2019

RSI (CO)
GN(25/03/2019)



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