

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2019

C O R A M

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No. 6022 of 2019

&

W.MP.No.6849 of 2019

P.Parthiban

...Petitioner

Vs.

1. The District Collector,
Collectorate Office,
Vellore District.
2. The Managing Director / Joint Registrar,
District Civil Supply Wholesale Co-operative Society,
No.32, Anna Salai, Vellore Division,
Vellore - 632 001.
3. The Sub Register,
District Civil Supply Wholesale Co-operative Society,
No.32, Anna Salai, Vellore Division,
Vellore - 632 001.
4. The Taluk Supply Officer,
Taluk Supply Office,
Arakonam, Vellore District.
5. The Taluk Engineer,
OMNE AGATE system,
Egmore, Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent in Proceedings Na.Ka.No.975/2017/B section dated 31/01 /2019 and quash the same and direct the respondents to reinstate the petitioner in service.

For Petitioner :Ms.D.Malarvizhi

For Respondents :Mr.A.N.Thambidurai
Additional Government Pleader

O R D E R

The writ petition has been filed, challenging the impugned order passed by the Managing Director of the Vellore District Consumer Wholesale Co-operative Society in Proceedings Na.Ka.No.975/2017/B section dated 31/01/2019.

2. The Vellore District Consumer Wholesale Co-operative Society, which is a society, registered under the provisions of the Tamil Nadu Co-operative Societies Act, which is not funded by the "State" to a minimum extent of 51 percent, is not a "State" within the meaning of Article 12 of the Constitution of India. Thus, the aggrieved employees of the Co-operative Societies have to exhaust the remedies provided under the Co-operative Societies itself.

3. In the present case, an order of punishment was issued by the Managing director of the Co-operative Societies, and the petitioner has to approach the competent authorities under the provisions of the Act for the purpose of redressing his grievances. In respect of the maintainability of the writ petition, 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 held that the employees has to exhaust the remedies available under the provisions of the Tamil Nadu Cooperative Societies Act and no writ petition can be entertained against the order passed by the Management of a Co-operative Society.

4. The learned counsel for the petitioner states that already the petitioner has preferred the revision petition before the competent authorities. If so, the competent authorities shall dispose of the same as expeditiously as possible and without causing any undue delay.

5. With this direction, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

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To

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Arakonam, Vellore District.
5. The Taluk Engineer,
OMNE AGATE system,
Egmore, Chennai.

+1cc to Mr.P.Shanmugasundaram, Advocate, S.R.No.20083

+1cc to Mr.D.Malarvizhi, Advocate, S.R.No.21237

+1cc to the Government Pleader, S.R.No.20972

WP.No.6022 of 2019

SSI (CO)

RRS (05/04/2019)



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