

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.24970 of 2018
and
WMP.No.29014 of 2018

A.M.Selvi

...Petitioner

vs

1. The Deputy Registrar,
Co-operative Societies,
Salem Zone, Salem-1.
 2. The Salem District Revenue Official's
Co-operative Thrift and Credit Society Ltd,
S.S.No.60, Collectorate Compund,
Salem - 636 001.
- ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ or order or orders or direction particularly in the nature of Writ of Certiorarified Mandamus, calling for the records relating the impugned order passed by the 2nd respondent dated 06.09.2018 bearing Ref.No.Na.Ka.1/2018 and quash the same and consequently direct the 1st respondent to approve the resolution of 2nd respondent dated 18.10.2013 confirming the petitioner in the post of Gold appraiser and fixing salary equivalent to the junior assistant.

For Petitioner : Mr.T.Sai Krishnan

For Respondents : Mr.L.P.Shanmugasundaram,
Spl.Govt. Pleader (Co-Op)

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O R D E R

The impugned order dated 06.09.2018 was issued by the President of the Salem District Revenue Official's Cooperative Thrift and Credit Society Limited, which is a registered Society under the provisions of the Tamil Nadu Cooperative Societies Act.

2. A Cooperative Society which is not funded by the State is not a State "within the meaning of Article 12 of the

Constitution of India". Thus, the employees of the Cooperative Societies are bound to exhaust the remedies provided under the provisions of the Tamil Nadu Cooperative Societies Act. More specifically, the writ petitioner has to approach the Competent Authority under Section 153 of the Act, by filing a Revision Petition in a prescribed format and paying the fees.

3. The legal principles in this regard are settled by the larger Bench of this Court in the case of K.Marappan Vs. Deputy Registrar, Cooperative Societies, reported in (2006) 4 CTC 689. This being the legal principles, this Court is of the considered opinion that, the writ petitioner cannot maintain a writ petition and has to exhaust the remedy available under the Statute.

4. Accordingly, the writ petition stand dismissed as not maintainable. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Pkn

To

1. The Deputy Registrar,
Co-operative Societies,
Salem Zone, Salem-1.

+lcc to Mr.T.SaiKrishnan, Advocate, S.R.No.26934

+lcc to the Government Pleader, S.R.No. 27478

W.P.No. 24970 of 2018

EV(CO)
GN(06/05/2019)

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