

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13-03-2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No. 30908 of 2018
W.M.P.No.36055 of 2018

K.Amaresan

... Petitioner

vs

The Joint Registrar/Managing Director
Dharmapuri District Central Co-op. Bank
Dharmapuri.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari Mandamus to call for the records relating of the impugned order passed by the respondent in his proceedings Rc.No.408/2007/P2 (2) dated 28.02.2018 and quash the same thereby direct the respondent to reinstate the petitioner with all the arrears of salary and attendant benefits.

For Petitioner : Mr.V.Jeevagiridharan

For Respondent : Mr.L.P.Shanmugasoundaram
Special Government Pleader (Co-op)

O R D E R

The order impugned dated 28.02.2018 placing the writ petitioner under suspension was issued by the Managing Director of Dharmapuri District Central Co-operative Bank which is a Co-operative Society under the provisions of the Tamil Nadu Co-operative Societies Act, 1983.

2. The Co-operative Society which is not funded by the State is not a State within the meaning of Article 12 of the Constitution of India. Thus, no writ petition can be entertained against the order passed by the Management of Co-operative Society.

3. The writ petition would be maintainable if any such co-operative society is funded and administered by the State or its

authorities. 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.

4. The writ petitioner has to exhaust the statutory remedy provided under the Act, more specifically, the revision under Section 153 of the Act. Under these circumstances, the petitioner is at liberty to approach the Competent authority by way of filing a revision petition under Section 153 of the Act in the prescribed format and by paying the fees prescribed.

5. With these observations, the writ petition stands dismissed as not maintainable. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ssb

To

The Joint Registrar/Managing Director
Dharmapuri District Central Co-op. Bank
Dharmapuri.

+1 cc to The Government Pleader, Sr.No. 24701
+1 cc to M/s.L.P.Shanmugasundaram, Advocate Sr.No.24002
+1 cc to Mr.V.Jeevagiridharan, Advocate Sr.No.24143

सत्यमेव जयते

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SSD(CO)
CSL/22.04.2019

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