

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.04.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.30786 of 2018

A.Ravi Kumar

.. Petitioner

..Vs..

- 1.The Government of Tamil Nadu,
Rep.by Principal Secretary to Government,
Food Cooperation and Consumer Protection
Department, Secretariat,
Chennai - 600 009.
 - 2.The Registrar of Cooperative Societies,
Kilpauk, Chennai - 10.
 - 3.The Joint Registrar of Cooperative Societies,
Salem - 636 001.
 - 4.The Deputy Registrar of Cooperative Societies,
Omalur Circle, Omalur,
Salem District - 636 455.
 - 5.The president,
S-111 Vanavasi Primary Agricultural Cooperative
Credit Society Limited,
Nangavalli Post,
Mettur Taluk, Salem District.
- .. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 4 to issue appropriate instructions to the 5th respondent to consider the claim of the petitioner to give appointment to the petitioner on compassionate grounds in the light of his representation dated 13.08.2018 consequent on the death of his father, Thiru P.Ayyandurai on 22.07.2008 while in service as clerk in S-111 Vanavasi Primary Agricultural Cooperative Credit Society Limited, Vanavasi Mettur Taluk, Salem District.

For Petitioner : Mr.G.Punniakoti

For Respondent : Mr.L.P.Shanmuga sundaram

Special Government Pleader (Co-op)

O R D E R

The relief as such sought for in the present writ petition is for a direction to direct the respondents 1 to 4 to issue appropriate instructions to the 5th respondent to consider the claim of the petitioner to provide appointment to the petitioner on compassionate grounds, based on the representation submitted by the writ petitioner on 13.08.2018.

2. The father of the writ petitioner late Sri. Ayyandurai, was employed as Salesman of Rural Fair Price Shop attached to S-111 Vanavasi Primary Agricultural Credit Society Limited. It is a co-operative Society registered under the Provisions of the Tamil Nadu Co-operative Societies Act, 1983.

3. As far as the employees of the Co-operative Societies are concerned, they are bound by the special by laws in force and the Management of the Cooperative Society is the Appointing Authority. The Cooperative Society is not a State within the meaning of the Article 226 of the Constitution of India. Thus, the employees of the Cooperative Society are bound to exhaust the remedies provided under the Act itself. Section 153 of the Tamil Nadu Cooperative Societies Act, provides revision against the decisions or inactions of the Management of a Cooperative Society.

4. In this regard, the writ petitioner is at liberty to approach the Competent Authorities by filing the Revision Petition in a prescribed format by paying fees under Section 153 of the Cooperative Societies Act, for the redressal of his grievances. However, this Court cannot entertain a writ petition, as the writ petitioner seeks employment in a Cooperative Society, which is not a State.

5. In the event of submitting any such revision petition by the petitioner, the Competent Authorities are bound to consider the same and take a decision on merits and in accordance with law without causing any undue delay.

6. With these directions, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

Pns

To

1.The Principal Secretary to Government,
The Government of Tamil Nadu,
Food Cooperation and Consumer Protection
Department, Secretariat,
Chennai - 600 009.

2.The Registrar of Cooperative Societies,
Kilpauk, Chennai - 10.

3.The Joint Registrar of Cooperative Societies,
Salem - 636 001.

4.The Deputy Registrar of Cooperative Societies,
Omalur Circle, Omalur,
Salem District - 636 455.

+1cc to Mr.G.Punniyakotti, Advocate SR.No.35058

+1cc to Mr.LP.Shanmugasundram, Advocate SR.No.36029

+1cc to Government Pleader SR.No.34998

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SSI (CO)
GMY (30/05/2019)



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