



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.16896 of 2013

A.Mayilvaganan

... Petitioner

-Vs-

1.The Joint Registrar of Co-operative Societies,
Collectorate, Thanthonimalai,
Karur-639 007.

2.The Deputy Registrar of Co-operative Societies,
Navaladiyan Complex, Main Road,
Thanthonimalai, Karur-639 005.

3.The President,
MM69 L.N.Samudram Primary Agricultural
Co-operative Society,
L.N.Samudram Post, Vadivel Nagar,
Karur District.

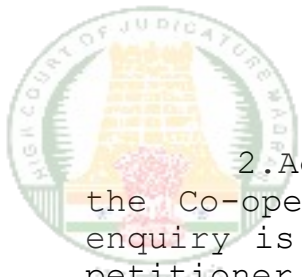
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the third respondent to provide the necessary documents relating to the charge memos issued to the petitioner dated 22.04.2013 and 17.06.2013 in order to put forth the petitioner's defense before the domestic enquiry on the basis of the petitioner's representation dated 04.05.2013 and 28.06.2013 within a time frame that may be stipulated by this Court.

For Petitioner : Mr.H.Arumugam
For R1 and R2 : Mr.S.Dhayalan,
Government Advocate.
For R3 : Mr.D.Sadiq Raja

ORDER

The relief sought for in the present Writ Petition is for a direction to direct the third respondent to provide necessary documents relating to the charge memos issued to the writ petitioner dated 22.04.2013 and 17.06.2013 in order to put forth the writ petitioner's defense before the domestic enquiry.



2. Admittedly, the writ petitioner is an employee of the Co-operative Society. Pursuant to the charge memo, domestic enquiry is proposed and was in progress. The grievance of the writ petitioner is that documents were not furnished, enabling him to defend his case. Undoubtedly, the documents relied on by the management are to be placed for the perusal of the writ petitioner, enabling him to defend his case.

3. This being the principles of natural justice, which is to be followed, the authorities competent must provide an opportunity to the delinquent official to peruse the documents and defend his case for the purpose of establishing his innocence or otherwise.

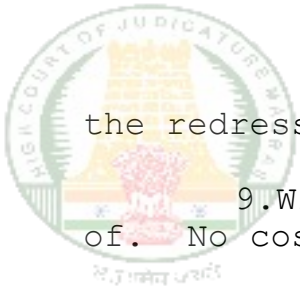
4. However, such direction sought for in this Writ Petition cannot be granted, in view of the fact that the respondent is a Co-operative Society and the Co-operative Society registered under the provisions of the Tamil Nadu Co-operative Societies Act, 1983 (hereinafter referred to as 'the Act') is not a "State" within the meaning of Article 12 of the Constitution of India. In respect of any other grievances, the writ petitioner has to exhaust the statutory remedy available at the first instance and thereafter, approach this Court.

5. This apart, intermittent intervention in enquiry proceedings is not preferable and in all such circumstances, if an appeal is available, the aggrieved person must firstly exhaust the remedy provided under the Act and thereafter, approach the High Court.

6. The statutory remedy provided for the employees of the Co-operative Society is undoubtedly effective, in view of the fact that a Revision Petition is to be filed under Section 153 of the Act before the Registrar of Co-operative Society, which is now delegated to the Joint Registrar of the Co-operative Society. Thus, the Joint Registrar of Co-operative Society, who is a Government Officer, is exercising quasi judicial powers and therefore, he has to conduct an enquiry in respect of the grievance of the writ petitioner and accordingly, take a decision and pass orders by following the procedures.

7. This being the effective remedy already available under the provisions of the Act, this Court cannot adjudicate the issues now raised in the present Writ Petition. All such disputed issues are to be adjudicated by referring original documents and by adducing evidences, if required.

8. This being the factum, the writ petitioner is at liberty to approach the competent authority under the provisions of the Act for



the redressal of his grievance.

9. With these observations, this Writ Petition stands disposed of. No costs.

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Sd/-

Assistant Registrar (AD II)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Joint Registrar of Co-operative Societies,
Collectorate, Thanthonimalai,
Karur-639 007.

2. The Deputy Registrar of Co-operative Societies,
Navaladiyan Complex, Main Road,
Thanthonimalai, Karur-639 005.

+1 CC to M/s.D.SADIQ RAJA, Advocate (SR-78345[F] dated 29/07/2019)

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-78348[F] dated 29/07/2019)

W.P. (MD) No.16896 of 2013

26.07.2019

(1/3)

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