



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE **D. KRISHNAKUMAR**

WP(MD).No.10238 of 2019 and

WMP(MD).No.7905 of 2019

WEB COPY

C. Suyambulingam : Petitioner

Vs.

1. The Registrar of Co-operative Societies,
Chennai - 10
 2. The Joint Registrar of Co-operative Societies,
Nagercoil,
Kanyakumari District.
 3. The Deputy Registrar of Co-operative Societies,
Nagercoil,
Kanyakumari District.
 4. The President,
Y-37, Mukilavilai Primary Agricultural Co-operative Credit
Society Limited,
Mukilavilai,
Manikattipottal Post,
Kanyakumari District.
- : Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India for issuing a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings No.Nil dated 08.04.2019 issued by the 4th respondent and quash the same as arbitrary, illegal and against the principles of Natural Justice and consequently, directing the respondents to allow the petitioner to continue to work as a Fertilizers Salesman under the 4th respondent's Society.

For Petitioner	: Mr.V. Balaji
For R1 to R3	: Mr.A. Muthukaruppan Additional Government Pleader
For R4	: Mr.A. Thiagarajan

ORDER

This Writ Petition has been filed seeking to call for the records relating to the impugned proceedings No. Nil, dated 08.04.2019 issued by the 4th respondent and quash the same, and direct the respondents to allow the petitioner to continue to work as a Fertilizers Salesman under the 4th respondent's Society.



2. According to the petitioner, he was appointed as a Sales Assistant by the fourth respondent in the year 1988 and subsequently, he was promoted as Fertilizer Salesman on 01.03.2017. While the petitioner performing his duty as a Fertilizer Salesman, the 4th respondent has issued the impugned proceedings dated 08.04.2019, de-promoting the petitioner from the Fertilizer Salesman to Sales Assistant and also claiming excess Salary paid to the petitioner together with interest. Challenging the said impugned order passed by the 4th respondent / society, the petitioner has filed the present Writ Petition.

3. The learned counsel appearing for the petitioner submitted that the said impugned order has been passed without giving an opportunity of hearing to the petitioner and hence, the same is liable to be set aside.

4. The learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that if the petitioner is having any grievance in the said impugned order, he has to approach the revisional authority under Section 153 of the Co-operative Societies Act and hence, this Writ Petition is not maintainable and the same is liable to be dismissed.

5. I have heard the learned counsel appearing on either side and perused the materials available on record.

6. The present Writ Petition is filed against the Co-operative Society. As per the Judgment reported in 2006(4) CTC 689 (K. Marappan Vs. Deputy Registrar, Co-operative Societies), the Writ Petition against co-operative Society is not maintainable.

7. In view of the above, this Court is inclined to dispose of the Writ Petition directing the petitioner to approach the appropriate forum seeking remedy, within a period of two weeks from the date of receipt of a copy of this order. Till such time, the respondents shall not proceed with the impugned order, dated 08.04.2019.

8. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)



To

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Chennai - 10
 2. The Joint Registrar of Co-operative Societies,
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Y-37, Mukilanjilai Primary Agricultural Co-operative Credit
Society Limited,
Mukilanjilai,
Manikattipottal Post, Kanyakumari District.
- + 1 CC TO Mr.S.Sureshkumar, ADVOCATE IN SR No.69131
+ 1 CC to The Special Government Pleader SR.No.69291

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