



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

WP(MD).No.13413 of 2019 and

WMP(MD).No.9995 of 2019

WEB COPY

M. Elanjiyam

: Petitioner

Vs.

1.The Joint Director of Co-operative Societies,
Karur Region,
Karur.

2.M.M.289, Thondamangalam Primary Agricultural
Co-operative Credit Society,
rep. by its President,
Thondamangalam,
Karur District.

: Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India for issuing a Writ of Certiorari calling for the records relating to the impugned resolution passed by the 2nd respondent Society dated 01.06.2019 (served on 08.06.2019) demoting the petitioner from Junior Clerk / Fertilizer Saleswomen to Ration Shop Saleswoman and quash the same as arbitrary and without jurisdiction.

For Petitioner : Mr.G. Thalaimutharasu

For Respondents : Aaiyram K. Selvakumar

Government Advocate

ORDER

This Writ Petition has been filed seeking to call for the records relating to the impugned resolution passed by the 2nd respondent Society, dated 01.06.2019 (served on 08.06.2019) demoting the petitioner from Junior Clerk / Fertilizer Saleswomen to Ration Shop Saleswoman and quash the same.

2. According to the petitioner, she was appointed as a Saleswoman in the 2nd respondent Society in the year 1988 and subsequently, she was promoted as a Junior Clerk / Fertilizer Saleswoman on 03.10.2015. While the petitioner performing her duty as a Junior Clerk / Fertilizer Saleswoman, based on the Audit Report submitted by the Co-operative Audit Officer, the Deputy Registrar Co-operative Societies, Kulithalai, appointed an Enquiry Officer and the Enquiry Officer found that the petitioner had misappropriated a sum of Rs.747.50/-. In such circumstances, Criminal complaint was lodged against the petitioner in Crime No.1



of 2018, wherein the petitioner was arrayed as A3 and she was arrested and remanded to judicial custody and subsequently, enlarged on bail. Thereafter, the second respondent has passed the said impugned resolution dated 01.06.2019 demoting the petitioner from Junior Clerk / Fertilizer Saleswoman to Ration Shop Saleswoman. 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 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 01.06.2019.

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

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar (CS)



To

1.The Joint Director of Co-operative Societies,
Karur Region,
Karur.

2.The President,
M.M.289, Thondamangalam Primary Agricultural
Co-operative Credit Society,
Thondamangalam,
Karur District.

Copy to
The Section Officer,
ER (Writs)
Madurai Bench of Madras High Court,
Madurai

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-69036[F] dated
17/06/2019)

trp

WP(MD).No.13413 of 2019 and
WMP(MD).No.9995 of 2019
14.06.2019

_KM/ (02.07.2019) 3P 5C