



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.6347 of 2015
and
M.P. (MD) No.2 of 2015

P.Sivakumar ... Petitioner

-Vs-

- 1.The Deputy Registrar of Co-operative Society,
Kulithalai Taluk, Karur District.
- 2.The Co-operative Sub Registrar / Field Officer,
Kulithalai Enquiry Officer,
(Under Section 81)
MM359 Keelaveliyur Primary
Agricultural Co-operative Credit Society,
Keelaveliyur Post, Kulithalai Taluk,
Karur District.
- 3.The President,
MM359 Keelaveliyur Primary
Agricultural Co-operative Credit Society,
Keelaveliyur Post, Kulithalai Taluk,
Karur District.
- 4.The President,
MM339 Pathiripatti Primary
Agricultural Co-operative Credit Society,
Pathiripatti Post, Kulithalai Taluk,
Karur District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the impugned charge memo issued by the fourth respondent in his proceedings in Na.Ka.No.Nil/2014, dated 12.02.2015 and quash the same as illegal.

For Petitioner : Mr.C.Venkatesh Kumar,
For M/s.Ajmal Associates.

For Respondents : Mr.D.Muruganantham,
Additional Government Pleader.

**ORDER**

The charge memo dated 12.02.2015 is under challenge in the present Writ Petition.

2.The writ petitioner is the employee of the Co-operative Society registered under the provisions of the Tamil Nadu Co-operative Societies Act, 1983, (hereinafter referred to as 'the Act'). The Co-operative Society, which is not funded by the State Government, is not a "State" within the meaning of Article 12 of the Constitution of India. No Writ Petition can be entertained in respect of the Co-operative Society. The employees of the Co-operative Society are bound to exhaust the statutory remedy provided under the Act.

3.In this regard, the writ petitioner has to approach the competent authority under Section 153 of the Act by filing revision petition in prescribed format by paying prescribed fees. The legal principles in this regard are settled by the Larger Bench of this Court in the case of **K.Marappan Vs. The Deputy Registrar of Co-operative Societies and another** reported in **2006 (4) CTC 689**.

4.This apart, the present Writ Petition is filed challenging the charge memo. Even no Writ can be entertained against the charge memo in a routine manner. In this case, the writ petitioner, being the employee of the Co-operative Society, is at liberty to challenge any proceedings before the competent authorities under the provisions of the Act for the purpose of redressal of his grievance.

5.With these observations, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Deputy Registrar of Co-operative Society,
Kulithalai Taluk, Karur District.

2.The Co-operative Sub Registrar / Field Officer,
Kulithalai Enquiry Officer,
(Under Section 81)
MM359 Keelaveliyur Primary
Agricultural Co-operative Credit Society,
Keelaveliyur Post, Kulithalai Taluk,
Karur District.



3.The President,
MM359 Keelaveliyur Primary
Agricultural Co-operative Credit Society,
Keelaveliyur Post, Kulithalai Taluk,
Karur District.

4.The President,
MM339 Pathiripatti Primary
Agricultural Co-operative Credit Society,
Pathiripatti Post, Kulithalai Taluk,
Karur District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-83062[F] dated
22/08/2019)

W.P. (MD)No.6347 of 2015
21.08.2019

myr

JM/04.09.2019/3P/6C