



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2022

CORAM :

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WRIT PETITION NO.24754 OF 2010
AND M.P.NO.1 OF 2010

B.Elamparuthy

.... Petitioner

-Vs-

1. The Joint Registrar of Cooperative Societies
Dharmapuri Region, Dharmapuri.
2. The Deputy Registrar of Cooperative Societies
Dharmapuri Region, Dharmapuri.
3. S.292, Menasi Primary Agricultural Cooperative
Bank, rep.by its Special Officer, Menasi Post
Pappireddipatty-Taluk, Dharmapuri District.

.... Respondents

Prayer :

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned Resolution No.89 dated 06.01.2001 passed by the 3rd respondent quash the same and consequently promote the petitioner to the post of Attender (Fertilizer Salesman) in the 3rd respondent Society in terms of Resolution No.52 dated 07.07.2000 passed by the 3rd respondent.

(Prayer amended vide order of the Court dated 08.04.2022 in W.M.P.No.114 of 2022)

For Petitioner :Mr.G.Ethirajulu

For Respondents:Mrs.E.Renganayaki

Additional Government Pleader-for R1 & R2

Mr.S.Sivashanmugam - for R3



O R D E R

This writ petition has been filed by an employee of a Cooperative Society challenging the resolution of the Cooperative Society, thereby imposing a punishment on him.

2. On the face of it, this writ petition is not maintainable in view of the judgment of the larger bench in "K. Marappan -vs- The Deputy Registrar of Co-operative Societies, Namakkal and another" reported in 2006 (4) C.T.C.689. Therefore, the learned counsel for the petitioner would submit that, at this distant point of time since the writ petition was entertained in the year 2010, he can be relegated to avail alternate remedy.

3. It is not the question of alternate remedy in this case, whereas it is the question of the petitioner having no remedy before this Court straight away because, the Cooperative Society is not State and the writ petition is not maintainable. However, considering the facts of this case, in the event of the petitioner choosing to avail the remedy of revision as against the impugned punishment under Section 153 of the Tamil Nadu Cooperative Societies Act and if he files such revision within 30 (thirty) days from the date of receipt of a copy of this order, the same shall be treated as within the period of limitation by the authority and may be dealt with and disposed on merits and in accordance with law.

4. With the above observations, this writ petition is disposed of. No costs. Consequently M.P.No.1 of 2010 is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

KST

To

1. The Joint Registrar of Cooperative Societies
Dharmapuri Region, Dharmapuri.



2. The Deputy Registrar of Cooperative Societies
Dharmapuri Region, Dharmapuri.

3. The Special Officer
S.292, Menasi Primary Agricultural Cooperative
Bank, Menasi Post, Pappireddipatty-Taluk,
Dharmapuri District.

+lcc to Mr.G.Ethirajulu, Advocate, S.R.No.24996

+lcc to the Government Pleader, S.R.No.25483

W.P.No.24754 of 2010

MT (CO)
PM/26/05/2022