



WEB COPY

W.P.No.614 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.614 of 2017

and

W.M.P.No.661 of 2017

D.Anand

...Petitioner

Vs.

1. The Chairman/District Collector,
Salem District Cooperative Milk Producers Union Ltd., Salem,
Steel Plant Road,
Sithanur, Dalavaipatti Post,
Salem-636002.
2. The Deputy Registrar of Cooperative Society (Milk),
Salem, Salem District.
3. The Managing Director,
TamilNadu Co-operative Milk Producers Federation Ltd.,
Aavin Illam, Madavaram Milk Colony,
Chennai-600051.
4. The General Manager,
Salem District Cooperative Milk Producers Union Ltd., Salem,
Steel Plant Road, Sithanur,
Dalavaipatti Post, Salem-636002.

..Respondents



Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records of the impugned order made in Na.Ka. No.12226/ Pa.Ku.2/ 2014 dated 25.08.2015 passed by the 4th respondent and quash the same, consequently direct the 4th respondent to provide Compassionate appointment to the petitioner.

For Petitioner : Ms.R.Preetha for
Mr.T.Arul

For Respondents : Mr.R.P.Murugan Raja
Government Advocate

ORDER

The claim of the writ petitioner for compassionate appointment was rejected by the fourth respondent Salem District Cooperative Milk Producers Union Ltd., which is a cooperative society, registered under the provisions of Tamil Nadu Cooperative Societies Act.

2. A cooperative society which is not funded by the Government is not considered within the meaning of Article 12 of the Constitution of India. Thus, the aggrieved employees of the cooperative society have to exhaust the statutory remedy contemplated under the provisions of the Act. More specifically, Section 153 of the Act provides revision to be filed before the



competent authority. The principles in this regard are settled by the larger bench of this Court in the case of *K.Marappan vs. Deputy Registrar of Cooperative Societies, Namakkal* reported in 2006 (4) CTC 689.

3. In view of the fact that the claim of the writ petitioner for compassionate appointment was rejected by the fourth respondent, the writ petitioner is at liberty to approach the competent authorities under Section 153 of the Tamil Nadu Cooperative Societies Act for the redressal of his grievances. In the event of filing any such revision petition, the authorities shall take into consideration the period during which the writ petition was pending before the High Court and condone the delay if any and decide the issue on merits and in accordance with law as expeditiously as possible.

4. With these directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

27.09.2022

Index : Yes
Speaking order
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S.M.SUBRAMANIAM, J.



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To

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