



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.2535 of 2020

and

W.M.P(MD) Nos.2193, 2194 of 2020 and 13236 of 2021

J.Vijin Jebakumar

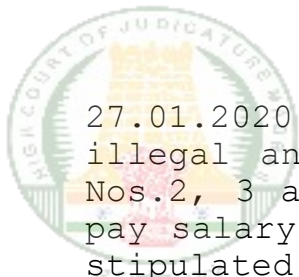
... Petitioner

vs.

- 1.The Secretary to Government,
Co-operative Society Department,
Secretariat, Fort St George,
Chennai-600 005.
- 2.The Deputy Registrar of Co-operative Societies,
Thuckalai,
Thuckalai Post,
Kalkulam Taluk,
Kanyakumari District.
- 3.The Joint Registrar of Co-operative Societies,
District Collector Office Campus,
Nagercoil Post,
(Near Dudhie School)
Kanyakumari District.
- 4.The Sub-Registrar / Secretary
The Manakkavilai Primary Agricultural
Co-operative Credit Society Ltd., No.Y-25,
Manalikkarai-629 164
Kanyakumari District.
- 5.The Special Officer,
The Manakkavilai Primary Agricultural Co-operative
Credit Society Ltd., No.Y-25
Manalikkarai-629 164,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorari mandamus, to call for the records pertaining to the impugned order in Ref.No.Nil dated



27.01.2020 on the file of the Respondent No.4 and quash the same as illegal and consequently for a direction directing the respondent Nos.2, 3 and 4 to regularize the services of the petitioner and to pay salary from May 2018 which remains outstanding, within the time stipulated by this Court.

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For Petitioner: Mr.T.Aswin Rajasimman
for Mr.T.Lajapathi roy
For R1 to R3 : Mr.M.Ramesh
Government Advocate
For R4 : No appearance

ORDER

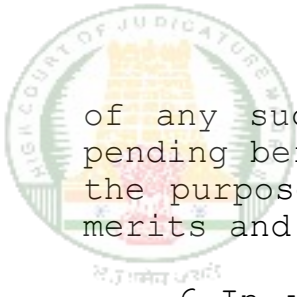
Reply notice sent by the Administrator of the Co-operative Society in response to the legal notice issued by the learned counsel for the petitioner is under challenge in the present writ petition.

2.Legal notice in respect of the service matters is normally not issued by the lawyers. However, in the present case, the petitioner through his lawyer issued a notice and the administrator of the Co-operative Society, which is registered under the Tamil Nadu Co-operative Societies Act, issued a reply and the said reply is under challenge. Such reply notice would not normally provide a cause of action, unless an administrative decision is taken an order was passed.

3.In the present writ petition, the petitioner is an employee of the Co-operative Society, which is not funded by the Government and it is not a State within the meaning of Article 12 of the Constitution of India. Thus, the petitioner has to exhaust alternative remedy contemplated under the procedure of the Tamil Nadu Co-operative Societies Act. The principles in this regard are settled by the Larger Bench of this Court, in the case of ***R.MARAPPAN-VS-DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETIES AND ANOTHER*** reported in ***2006(4) CTC 689***. Thus, the petitioner has to approach the competent authority for redressal of his grievance.

4.In respect of the service matter of the employee of the Co-operative Societies, the issuance of legal notice and the reply by the Management would not provide a cause for the writ petitioner to file a writ petition. If at all the employee is aggrieved, he has to approach the competent authority under Section 153 of the Co-operative Societies Act, by way of revision.

5.This being the principles to be followed, the petitioner is at liberty to approach the competent authority for the purpose of redressal of his grievance in the manner known to law. In the event



of any such approach, the period in which the writ petition was pending before this High Court is to be taken into consideration for the purpose of condoning the delay if any and decide the issues on merits and in accordance with law.

6. In view of the above, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Admin I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

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MK/06.06.2022/3P/5C