



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.3292 of 2022

and

W.M.P (MD) .No.2892 of 2022

S.Sheela Devi

... Petitioner

Vs.

1.The Joint Registrar of Co-operative Societies,
Thiruchirappalli Region,
O/o.Joint Registrar of Co-operative Societies,
Thiruchirappalli District.

2.The Deputy Registrar of Co-operative Societies,
(Public Distribution System),
Thiruchirappalli,
Thiruchirappalli District.

3.The Sub-Registrar of Co-operative Societies,
(Public Distribution System),
Pullampadi Post,
Thiruchirappalli District.

4.The President,
TY.SPL92, Pullampadi Primary Agricultural
Co-operative Credit Society,
Pullampadi Post, Lalgudi Taluk,
Thiruchirappalli District-621 717.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned punishment of dismissal order of the fourth respondent vide in his proceedings dated 12.01.2022 and quash the same and consequently direct the first respondent to take action against the fourth respondent in accordance with law and consequently direct the fourth respondent to reinstate the petitioner with full attend benefit.



For Petitioner :

Mr.S.Karthikeyan

For Respondent :

Mr.P.Thilak Kumar
Government Pleader
assisted by
Mr.M.Ramesh,
Government Advocate
for RR1 to 3

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O R D E R

The order of dismissal from service passed by the fourth respondent in proceedings dated 12.01.2022 is under challenge in the present Writ Petition.

2. The petitioner was working as Sales Woman in Pullampadi Primary Agricultural Co-operative Credit Society which is a Co-operative Society under the provisions of the Tamil Nadu Co-operative Societies Act. The disciplinary proceedings were initiated based on the enquiry/inspection conducted by the competent Authorities. The charge memo was issued, domestic enquiry was conducted and the punishment of dismissal from service was imposed on the writ petitioner. The order impugned was passed by the Elected President of the Co-operative Society.

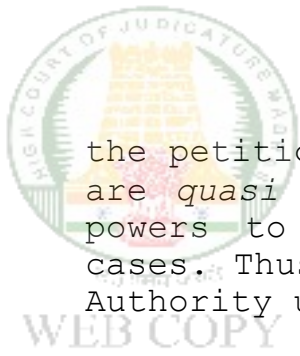
3. The Co-operative Society which is not funded by the Government is not a State within the meaning of Article 12 of the Constitution of India. Thus, no writ is maintainable in view of the principles laid down by the Larger Bench of the High Court of Madras in the case of **K.Marappan vs. The Deputy Registrar of Co-operative Societies, reported in 2006 4 (CTC) 689**. The Hon'ble Supreme Court has also emphasized that when the order under challenge is not issued by a State, writ remedy is not available and those orders are to be challenged in the manner known to law.

4. In the present case, the Tamil Nadu Co-operative Societies Act provides an efficacious remedy for re-dressal of the grievances. More specifically, Section 153 provides a revision of the orders passed by the Management of the Co-operative Society. Therefore, the petitioner has to approach the Revisional Authority for an effective adjudication or disputed issues with reference to the documents and evidences. However, without exhausting the statutory remedy contemplated under the Act, the Writ need not be entertained.

5. The learned counsel appearing for the petitioner states that no opportunity was given properly during the course of enquiry.

6. However, the Revisional Authority is empowered to deal with all the actual disputes as well as the legal grounds raised by

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the petitioner as the powers conferred under Sections 153 of the Act are *quasi* judicial powers and the Authorities are well within the powers to adjudicate both factual and legal issues involved in cases. Thus, the petitioner is at liberty to approach the Competent Authority under the Act.

7. With this liberty, the Writ Petition stands dismissed. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Writs)

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Sub Assistant Registrar(CS)

ssb

To

1.The Joint Registrar of Co-operative Societies,
Thiruchirappalli Region,
O/o.Joint Registrar of Co-operative Societies,
Thiruchirappalli District.

2.The Deputy Registrar of Co-operative Societies,
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Thiruchirappalli District-621 717.

+1 CC to M/s.SPL GP (SR-8096[F] dated 23/02/2022)

+1 CC to M/s.S.KARTHIKEYAN, Advocate (SR-8406[F] dated 24/02/2022)

W.P.(MD) No.3292 of 2022

22.02.2022

MA(CO)

TR(18.03.2022) 3P 7C