



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 12.04.2022**

CORAM

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.5523 of 2022

S.Chelladurai

... Petitioner

-vs-

1. The Deputy Registrar of Cooperative Societies,
Office of the Cooperative Societies Limited,
Kamatchiamman Kovil Street,
Aranthangi Taluk - 614 616,
Pudukkottai District.

2. The President,
TA 70, Manamelkudi Primary Agricultural
Cooperative Society Limited,
Manamelkudi, Manamelkudi Post and Taluk,
Pudukkottai District - 621 717.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to effect promotion to the petitioner for the post of Attender by strictly adhering the provisional seniority list issued by the 2nd respondent by considering the representation of the petitioner dated 03.03.2022 within a time frame as fixed by this Court.

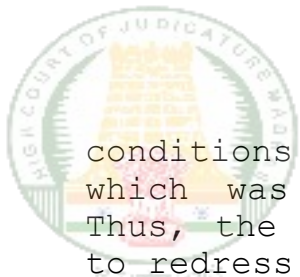
For Petitioner :	Mr.S.Karthikeyan
For R1 :	Mr.M.Ramesh
	Government Advocate

O R D E R

The relief sought for in the present writ petition is to direct the respondents to effect promotion.

2. Admittedly, the petitioner is working as a Salesman in the 2nd respondent-Manamelkudi Primary Agricultural Co-operative Society Limited, which is a Co-operative Society registered under the provisions of the Tamil Nadu Co-operative Societies Act.

3. A 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. Therefore, the petitioner has to exhaust the alternate remedy. Further, a Salesman is a workman and his services



conditions are governed under the Special By-laws of the Society, which was approved by the Registrar of Co-operative Societies. Thus, the petitioner either has to approach the competent court or to redress his grievance by filing a revision petition under Section 153 of the Tamil Nadu Co-operative Societies Act in a prescribed format. However a writ petition cannot be maintained, in view of the principles laid down by the Hon'ble Larger Bench of this Court in the case of **K.Marappan vs. Deputy Registrar of Co-operative Societies** reported in **2006 (4) CTC 689**. Thus, the petitioner has to redress his grievance by exhausting the remedy contemplated under the Act.

4. With the above observations, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

04/05/2022

Sub Assistant Registrar(CS)

abr

To

The Deputy Registrar of Cooperative Societies,
Office of the Cooperative Societies Limited,
Kamatchiamman Kovil Street,
Aranthangi Taluk - 614 616, Pudukkottai District.

+1 CC to M/s.SPL.GP. (SR-18596[F] dated 13/04/2022)

W.P. (MD) No.5523 of 2022

12.04.2022

NSN(CO)

KB(05.05.2022) 2P 3C