



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.11161 of 2019

and

W.M.P.(MD) No.8532 of 2019

G.Valli

... Petitioner

-vs-

1. The District Social Welfare Officer,
Social Welfare Department,
Collectorate Complex,
Virudhunagar District.

2. The Industries Co-Operative Officer /
Special Officer,
IND-1767, Dr. Khanu Women Tailoring Workers,
Industries Co-operative Society Ltd.,
Srivilliputhur, Virudhunagar District.

3. The President,
IND-1767, Dr. Khanu Women Tailoring Workers,
Industries Co-operative Society Ltd.,
Srivilliputhur, Virudhunagar District.

4. Augustina

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents herein to allow the petitioner to discharge her duties as Accountant in the 2nd respondent's Co-operative Society Ltd., Srivilliputhur, Virudhunagar District.

For Petitioner : Mr.J.Lawrance

For RR1 & 2 : Mr.M.Ramesh
Government Advocate

For R3 : Mr.J.Barathan



O R D E R

The relief sought for in the present writ petition is to direct the respondent to allow the petitioner to discharge her duties as Accountant in the 2nd respondent-Cooperative Society.

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2. The petitioner states that she was appointed as Accountant on daily wage basis in the 2nd respondent Society and was discharging her duties. The petitioner states that one Smt.Gomathi was appointed as Computer Assistant in the said Society and three employees were working. Since the petitioner's services were discontinued by the Cooperative Society, the petitioner filed the present writ petition.

3. A Cooperative Society, which is not funded by the Government is not a State within the meaning of Article 12 of the Constitution of India. The petitioner seeks a direction to permit her to discharge her duties as Accountant. The petitioner, admittedly was appointed as an Accountant on daily wage basis. Therefore, she was not appointed as a regular employee in accordance with the recruitment rules in force. In respect of daily wage employees, they cannot claim any right for permanent absorption. Further, the petitioner was appointed in the Cooperative Society and if any grievance exists, she has to approach the Registrar of Cooperative Societies by filing a revision under Section 153 of the Tamil Nadu Cooperative Societies Act. No writ is maintainable against a Cooperative Society, in accordance with 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**.

4. Therefore, the petitioner is at liberty to approach the competent authority and in the present case, the Commissioner, Industries Department is the functional Registrar and in the event of any such approach, the competent authority may consider the revision and pass appropriate orders on merits and in accordance with law.

5. With the above liberty, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr

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To

1. The District Social Welfare Officer,
Social Welfare Department,
Collectorate Complex,
Virudhunagar District.

2. The Industries Co-Operative Officer /
Special Officer,
IND-1767, Dr. Khanu Women Tailoring Workers,
Industries Co-operative Society Ltd.,
Srivilliputhur, Virudhunagar District.

+1 CC to M/s.J. LAWRENCE, Advocate (SR-21955[F] dated 28/04/2022)

+1 CC to M/s.SPL.GP. (SR-22067[F] dated 28/04/2022)

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-22328[F] dated
28/04/2022)

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