



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.12450 of 2021

and

W.M.P (MD) Nos.9747 of 2021 and 3953 of 2022

WEB COPY

V.Seeralan

... Petitioner

vs.

- 1.The Registrar of Co-operative Societies,
Office at N.V Natarajan Maaligai
No.170, EVR Periyar Nedunchaalai,
Keelapakkam, Chennai-10.
- 2.The Deputy Registrar of Co-operative Societies,
Office at Multi-Store Building,
Khajamalai Colony,
Mannarpuram, Trichy-20.
- 3.The Auditor of Co-operative Societies,
Office at Multi-Store Building,
Khajamalai Colony,
Mannarpuram, Trichy-20.
- 4.The President,
YT-58, NIT Employees Co-operative
Thrift & Credit Society,
NIT Qarters, NIT,
Thuvakudi, Trichy-625 015.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified mandamus, to call for the original documents relating to the impugned order No.Na.Ka.No.398/2021/Nu.Ku, dated 08.06.2021, for recovery of Rs.5,12,175/- and quash the same and consequently, direct the respondents to protect petitioner's pay fixation from 01.01.2017 for is post as secretary of the above society.

For Petitioner : Mrs.T.Banumathy
For R2 and R3 : Mr.M.Ramesh,
Government Advocate

ORDER

The Inter departmental communication between the Deputy Registrar of the Co-operative Society and the President of the Co-operative Society/fourth respondent is under challenge in the present writ petition.



2.The petitioner is working as an Assistant in the fourth respondent Co-operative Society. The fourth respondent Society is not funded by the Government and it is not a State within the meaning of Article 12 of the Constitution of India.

WEB COPY

3.This apart, in respect of certain erroneous fixation, the Deputy Registrar of Co-operative Society communicated a letter to the fourth respondent/ President of the Co-operative Society. Such an inter departmental communication between the competent authorities under the Act would not provide a cause for the petitioner to file a present writ petition. The Deputy Registrar of Co-operative Society has stated that certain irregularities are noticed in the matter of fixation of pay and in violation of the circular issued by the Registrar. The President has to reply to the Deputy Registrar of Co-operative Society, in this regard.

4.The petitioner is an employee and therefore, he cannot challenge the inter departmental communication issued by the Deputy Registrar seeking his explanation from the President of the fourth respondent Co-operative society. Such a writ petition is not entertainable and in the event of passing any order by the Management of the Co-operative Society, the petitioner has to approach the competent authority under Section 153 of the Tamil nadu Co-operative Society Act, for redressal of his grievances. Contrarily, he cannot file a writ petition as no writ would lie against the Co-operative Society. As of now, there is no cause established by the petitioner for entertaining the writ petition.

5.With these observations, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (As)

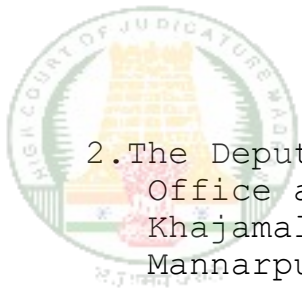
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/ /2022

Sub Assistant Registrar(CS)

To

1.The Registrar of Co-operative Societies,
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No.170, EVR Periyar Nedunchaalai,
Keelapakkam, Chennai-10.



2.The Deputy Registrar of Co-operative Societies,
Office at Multi-Store Building,
Khajamalai Colony,
Mannarpuram, Trichy-20.

3.The Auditor of Co-operative Societies,
Office at Multi-Store Building,
Khajamalai Colony,
Mannarpuram, Trichy-20.

+1 CC to M/s.T.BANUMATHY, Advocate (SR-22324[F] dated 28/04/2022)
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and
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MGJ(06.06.2022) 3P 5C