



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.13395 of 2020

and

W.M.P. (MD)Nos.11183 and 11185 of 2020

WEB COPY

Tharani

... Petitioner

-Vs-

- 1.The Joint Registrar,
Joint Registrar of Co-operative Society Office,
Madurai Zone.
- 2.The Deputy Registrar,
Deputy Registrar of Co-operative Society Office,
Usilampatti Region at Thirumangalam,
Madurai District.
- 3.The Co-operative Sub Registrar / Liquidator,
109, Valandur Primary Agriculture Co-operative
Credit Society,
Valandur Post, Usilampatti Taluk, Madurai District.
- 4.The Co-operative Sub Registrar / Administrator,
M.U.8, Usilampatti Taluk Agricultural Producers
Co-operative Marketing Society,
Usilampatti, Madurai District.

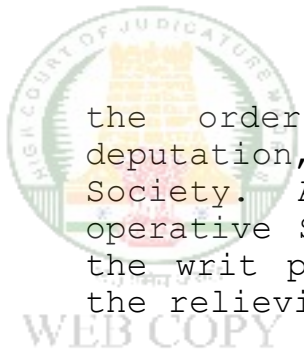
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 1st respondent in his proceedings in Na.Ka.No.1788/2020/NuKu, dated 28.08.2020, the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No.1112/2020/V Sa, dated 28.08.2020 and the impugned order passed by the 4th respondent proceeding Nil, dated 28.08.2020 and quash the same as illegal and consequently, direct the respondents 1, 2 and 4 to permanently absorb the petitioner's service as saleswoman in the 4th respondent Society.

For Petitioner	: Mr.C.Mayilvahana Rajendran
For R1 to R3	: Mr.P.Thilak Kumar, Government Pleader
For R4	: No Appearance

ORDER

The order impugned dated 28.08.2020 is passed by the Management of the 4th respondent / Administrator of the Usilampatti Taluk Agricultural Producers Co-operative Marketing Society. As per



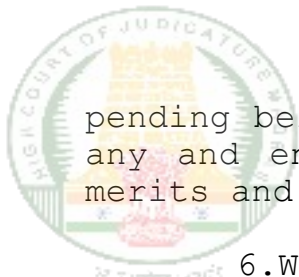
the order impugned, the writ petitioner, on completion of deputation, was relieved from the service of the Co-operative Society. Admittedly, the writ petitioner is an employee of the Co-operative Society and the dispute is relating to the deputation of the writ petitioner in the 4th respondent Co-operative Society and the relieving order passed is under challenge in this Writ Petition.

2.In respect of the employees of the Co-operative Society, their service conditions are governed under the special by-laws approved by the competent authority under the provisions of the Tamil Nadu Co-operative Societies Act, 1983 (hereinafter referred to as 'the Act'). The 4th respondent Co-operative Society, being registered Society under the Act, is not a State within the meaning of Article 12 of the Constitution of India.

3.Thus, no Writ Petition is maintainable, in view of the legal principles settled by the Larger Bench of this Court in the case of ***K.Marappan Vs. The Deputy Registrar of Co-operative Societies and another*** reported in ***2006 (4) CTC 689***. As far as the relief sought for in the present Writ Petition is concerned, the petitioner seeks to quash the impugned order passed by the first respondent in proceedings dated 28.08.2020 and the impugned order passed by the second respondent in proceedings dated 28.08.2020 and the consequential order passed by the 4th respondent dated 28.08.2020. As far as the consequential order is concerned, it was passed by the Administrator of the Society. As far as the order passed by the first respondent is concerned, it is not an order and communicated to the writ petitioner officially. The order dated 28.08.2020 passed by the Joint Registrar is a communication / directions / instructions issued to the Deputy Registrar of the Society, Usilampatti Circle and a copy was also marked to the 4th respondent / Administrator. Such an intra-communication between the officials cannot be challenged by the writ petitioner. In such circumstances, the petitioner has to approach the Registrar of Co-operative Society under Section 153 of the Act by filing a revision petition. This apart, the Regional Joint Registrars are exercising the revision powers under Section 153 of the Act.

4.However, in the present case, the learned counsel appearing for the petitioner states that earlier Writ Petition filed by the writ petitioner was considered and direction was issued to the first respondent to take a decision. Thus, the first respondent / Joint Registrar has issued an order and communicated the same to the Deputy Registrar of Co-operative Society.

5.This being the factum, the petitioner is at liberty to prefer a revision petition before the Registrar of the Co-operative Society under Section 153 of the Act and in the event of filing any such revision petition, the Registrar of Co-operative Society is bound to consider the period during which the Writ Petition was



pending before this Court for the purpose of condoning the delay if any and entertain the revision petition and decide the issues on merits and in accordance with law, as expeditiously as possible.

6. With this observation, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Myr

To

1. The Joint Registrar,
Joint Registrar of Co-operative Society Office,
Madurai Zone.
2. The Deputy Registrar,
Deputy Registrar of Co-operative Society Office,
Usilampatti Region at Thirumangalam,
Madurai District.

+1 CC to M/s.SPL GP (SR-8297[F] dated 24/02/2022)

W.P. (MD)No.13395 of 2020

23.02.2022

_RD(07.03.2022) 3P 4C