



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2022

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P. (MD) No.19123 of 2021

and

W.M.P. (MD) No.15887 of 2021

N.Venkatesan

... Petitioner

-Vs-

1. State of Tamil Nadu,
Rep. By The Secretary to Government,
Department of Co-operation,
Food and Consumer Protection,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai-600 009.

2. The Joint Registrar / Managing Director,
Virudhunagar District Central Co-op. Bank Limited,
No.104/1, Madurai Road,
Virudhunagar - 626 001. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for all the relevant records pertaining to the impugned order passed by the 2nd respondent in proceedings Na.Ka.No.023009/2021/E1. Dated: 07.10.2021 and quash the same as illegal, arbitrary and to direct the respondents to post the petitioner as Sub-staff in any of the Branches within in the Virudhunagar Town Branches or at Head Quarter Office by considering the petitioner's representation dated 20.09.2021 in consonance with the order passed by this Hon'ble Court dated 13.09.2021 in W.P(MD) No.16343 of 2021 on humanitarian grounds.

For Petitioner : No appearance

For R1 : Mr.M.Ramesh,
Government Advocate

For R2 : Mr.D.Shanmugaraja Sethupathi



O R D E R

The order of transfer issued by the Managing Director of the District Central Co-operative Bank, Virudhunagar, is under challenge in the present writ petition.

2. District Central Co-operative Bank is the Society registered under the Tamil Nadu Co-operative Societies Act and not a State within the meaning of Article 12 of the Constitution of India. The petitioner is the employee of a Co-operative Bank. Thus, the order passed by the Management is to be taken by way of Revision under the provision of the Act. The writ petition is not maintainable against the Co-operative Societies, in view of the principles laid down by the Larger Bench of the High Court of Madras in the case of **Marappan K. Vs. The Deputy Registrar of Co-operative Societies**, reported in **[2006(4) CTC 689]**. The petitioner, thus, has to exhaust the alternate remedy provided under the Act, more specifically, under Section 153 of the Act.

3. In view of the facts and circumstances, the petitioner is at liberty to approach the competent authority under the provision of the Act for redressal of his grievances. Accordingly, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MPK

To

1. The Secretary to Government,
Department of Co-operation,
Food and Consumer Protection,
Government of Tamil Nadu,
Secretariat, Fort St.George, Chennai-600 009.
 2. The Joint Registrar / Managing Director,
Virudhunagar District Central Co-operation Bank Limited,
No.104/1, Madurai Road, Virudhunagar - 626 001.
- +1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-14096[F] dated 24/03/2022)

+1 CC to M/s.SPL GP (SR-14294[F] dated 24/03/2022)

W.P.(MD) No.19123 of 2021
23.03.2022