



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.23212 of 2019

and

W.M.P (MD) .Nos.19940 & 19941 of 2019

M.Moovendiran

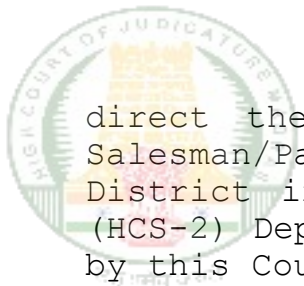
... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep.by its Principal Secretary,
Housing and Urban Development (HCS-2) Department,
Fort St.George,
Chennai-9.
- 2.The Registrar of Co-operative Societies,
O/o.The Registrar of Co-operative Societies,
No.170, NV Natarajan Maaligai,
Periyar EVR High Road,
Poonamallee High Road,
Kilpauk, Chennai-10.
- 3.The Registrar of Co-operative Societies (Housing),
O/o.The Registrar of Co-operative Societies (Housing),
Ritherdon Road,
Vepery,
Chennai-7.
- 4.The Joint Registrar of Co-operative Societies,
O/o.The Joint Registrar of Co-operative Societies,
Madurai District,
Madurai.
- 5.The Deputy Registrar of Co-operative Societies,
O/o.The Deputy Registrar of Co-operative Societies,
Madurai,
Madurai District.

... Respondents

Petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Mandamus, directing the respondents
1 to 5 to absorb the petitioner in the post of Assistant Clerk in
the Co-operative Societies of the Madurai District or in alternative



direct the respondent 1 to 5 to accommodate the petitioner as Salesman/Packer in any of the Co-operative Societies in Madurai District in light of G.O.Ms.No.187, Housing and Urban Development (HCS-2) Department dated 27.11.2017 within the time frame stipulated by this Court.

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For Petitioner

:Mr.T.Aswin Rajasimman
for Mr.T.Lajapathi Roy

For Respondents

:Mr.M.Ramesh
Government Advocate

O R D E R

The relief sought for in the present writ petition is to direct the respondent Nos.1 to 5 to absorb the petitioner in the post of Assistant, Clerk in the Co-operative Societies of the Madurai District or direct the respondent Nos.1 to 5 to accommodate the petitioner as Salesman/Packer in any of the Co-operative Societies in Madurai District, in light of G.O.Ms.No.187, Housing and Urban Development (HCS-2) Department dated 27.11.2017, within a time frame stipulated by this Court.

2. The petitioner is an employee in Melur Cooperative Building Society, which is not a State within the meaning of Article 12 of the Constitution of India. The petitioner states that he was promoted to the post of Secretary and the Society became liquidated. Under those circumstances, the petitioner made an application before the Authorities Competent to provide alternate employment in any other Society, which is viable. The Government is the authority to give such alternate appointment under the provisions of the Tamil Nadu Cooperative Societies Act (hereinafter referred to as "the Act"). Society employees are not the employees of the State. They are appointed for the Society and by the Management of the Society, which is not a State within the meaning of Article 12 of the Constitution of India. However, the provisions of the Act provide revision and review before the Competent Authority for re-dressal of their grievances and the Government being the Controlling Authority of the Cooperative Societies across the State, may take a decision on merits and in accordance with law.

3. This being the principles to be followed, the petitioner is at liberty to approach the Government for the purpose of re-dressal of his grievances in the manner contemplated under the provisions of the Act.



4. With the above observations, this Writ Petition stands disposed of. No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Writs)

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/ /2022

Sub Assistant Registrar(CS)

To

- 1.The Principal Secretary,
State of Tamil Nadu,
Housing and Urban Development (HCS-2) Department,
Fort St.George,
Chennai-9.
- 2.The Registrar of Co-operative Societies,
O/o.The Registrar of Co-operative Societies,
No.170, NV Natarajan Maaligai,
Periyar EVR High Road,
Poonamallee High Road,
Kilpauk, Chennai-10.
- 3.The Registrar of Co-operative Societies (Housing),
O/o.The Registrar of Co-operative Societies (Housing),
Ritherdon Road,
Vepery,
Chennai-7.
- 4.The Joint Registrar of Co-operative Societies,
O/o.The Joint Registrar of Co-operative Societies,
Madurai District,
Madurai.
- 5.The Deputy Registrar of Co-operative Societies,
O/o.The Deputy Registrar of Co-operative Societies,
Madurai,
Madurai District.

+1 CC to M/s.SPL.GP (SR-23435[F] dated 04/05/2022)

W.P.(MD) No.23212 of 2019

29.04.2022

MK/25.05.2022/3P/7C