



W.P.No.5028 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.5028 of 2020
and W.M.P.No.5940 of 2020

M.Vijaya

... Petitioner

Vs.

1.The Deputy Registrar of Cooperative Societies,
Villupuram Circle, Villupuram, Villupuram District.

2.The President,
CL. SPL 135 Kaani Primary Agricultural
Cooperative Credit Society,
Kaanai & Post – 605 301, Villupuram Taluk,
Villupuram District. ... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the entire records relating to the impugned order passed by the 2nd respondent in his proceedings No.Nil, dated 08.01.2020 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.G.Nanmaran
Special Government Pleader for R1



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: Mr.L.P.Shanmugasundaram for R2

ORDER

The Petitioner has filed this Writ petition challenging the order passed by the 2nd Respondent in his proceedings No.Nil, dated 08.01.2020 and to quash the same.

2. The limited scope on which this Writ Petition has been filed by the Petitioner is that the 1st Respondent who is the Deputy Registrar has got no authority to exercise any powers in respect of the service matters of the employees working in the Cooperative Societies.

3. The grievance of the Petitioner is that he was promoted to the post of attender and his pay scale has been revised in that post on 20.09.2019. However, on 08.01.2020, the 1st Respondent sent a communication to the 2nd respondent and insisted him to cancel the promotion and revised the scale of pay. Aggrieved over that, the present Writ Petition has been filed.



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4. Heard the learned counsel for the Petitioner and the learned counsels for the respective Respondents.

5. The learned counsel for the Petitioner submitted that the matter has been squarely covered by virtue of an order of this Court in W.P.No.2628 of 2015, dated 12.07.2022. For better appreciation, relevant paragraph of the said order is extracted hereunder:-

“6. In this regard, the Government issued G.O.(2D) No.108, Cooperation, Food and Consumer Protection Department, dated 31.08.2005, delegating the powers of the Registrar of Cooperative Societies under the Act. As per the delegation of powers notified under the provisions of the Tamil Nadu Cooperative Societies Act, 1983, the Deputy Registrar of Cooperative Societies is not empowered to exercise the powers in respect of service matters of the employees working in the Cooperative Societies. The said power has been delegated to the Joint Registrar of Cooperative Societies.”

6. The learned counsel for the 1st Respondent submitted that the



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petitioner cannot involve the jurisdiction of this Court under Article 226 of the Constitution of India and he is bound to raise an industrial dispute in view of the master and servant relationship between the Petitioner and the 2nd Respondent. It is further submitted that even if he is aggrieved by any such order passed by the 2nd Respondent, he can have a revisional remedy under under Section 153 of the Tamil Nadu Cooperative Societies Act, 1983.

7. There is no quarrel on the submission made by the learned counsel for the 1st Respondent. However, the limited submission of the Petitioner is that the impugned order dated 08.01.2020 has been issued by the 1st Respondent is abuse of his power and it is the Joint Registrar, who has the authority to make orders in connection with the service matters of the employees. Since, the impugned order issued by the 1st Respondent is in excessive of his power, it is liable to be quashed. However, the appropriate authority cannot be restricted from passing any orders in respect of the service matters of the employees in accordance with the existing rules, provided an opportunity given to the aggrieved persons before passing any order affecting their liberty.



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8. With the above observation, this Writ Petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

13.10.2023

gba

Neutral citation : Yes/ No
Speaking Order : Yes/ No
Index : Yes/ No
Neutral Citation : Yes/No

To

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R.N.MANJULA, J.

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