



W.A.(MD) No.402 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A.(MD) No.402 of 2023
and
C.M.P.(MD) No.4396 of 2023**

The President
Tamil Nadu Circle Postal
Co-operative bank Ltd., No.1031
No.18/19, Jahangir Street
2nd Line Beach, Post Box No.5026
Chennai-600 001

... Appellant

-vs-

M.Chinnasekkan

... Respondent

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 11.01.2023, passed in W.P.(MD) No.21436 of 2019, on the file of this Court.

For Appellant : Mr.R.Malaichamy



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J U D G M E N T

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

Aggrieved by the order of the Writ Court directing refund of Rs.53,024/- to the respondent herein, the Co-operative Society has come up with this writ appeal.

2. The sole ground that is urged by the learned counsel for the appellant is that the appellant being a Co-operative Society, the writ petition will not lie.

3. It is true that in ***K.Marappan vs. The Deputy Registrar of Co-operative Societies, Namakkal Circle, Namakkal and another***, reported in **2006 (4) CTC 689**, the Full Bench has taken the view that the writ petition will not lie against a Co-operative Society. We do not find such a plea having been urged before the Writ Court. Further, the present dispute is a dispute between the Management and the workman of a Co-operative Society where the Management has been found to have appropriated money belonging to the employee without due process of law. Such action has been remedied by the Writ Court.



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4. We, therefore, do not think that we should interfere with the direction issued by the Writ Court. Hence, the Writ Appeal fails and it is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

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NCC : Yes / No

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