



WEB COPY

W.P.No.4314 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2024

CORAM

THE HONOURABLE MR.JUSTICE **D. BHARATHA CHAKRAVARTHY**

W.P.No.4314 of 2023
and WMP.No.4354 of 2023

N.R.J.Jai Umapathi
Petitioner

...

-Vs-

1. The Registrar of Cooperative Societies
NVN Maaligai,
Poonamallee High road,
Kilpauk, Chennai 600 10.
 2. The Deputy Registrar of Co-operative Societies,
Salem Region,
SDCCB HO Campus,
Cherry Road,
Salem 636 001.
 3. Dhanasekaran
 4. The President
S-1403, Jageer Ammapalayam Urban Co-operative Credit Society,
Mamangam Post, Jageer Redippatti,
Salem 636 302.
 5. The Domestic Enquiry Officer,
S-1403, Jageer Ammapalayam Urban Co-operative Society,
Mamangam Post, JageerRedippatti,
Salem 636 302.
- ...Respondents



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Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned order of dismissal dated 18.11.2022 passed by the 4th respondent and quash the same and consequently reinstate the petitioner in service with continuity of service and with all attendant benefits.

For Petitioner : Mr.Venkataramani
Senior Counsel for
Mr.R.Balaramesh

For Respondents : Mr.G.Krishna Raja
Addl. Government Pleader for R1 & R2

ORDER

This writ petition is filed for issuance of Writ of Certiorarified Mandamus to call for the records of the impugned order of dismissal dated 18.11.2022 passed by the 4th respondent and quash the same and consequently reinstate the petitioner in service with continuity of service and with all attendant benefits.

2. Heard both sides and perused the materials available on record.



3. It can be seen that the order dated 18.11.2022 was passed by the President, S-1403, Jageer Ammapalayam Urban Cooperative Credit Society, Salem. The President of the Cooperative Society not being a local or other authority within the image of Article 12 of the Constitution of India, this Court cannot exercise jurisdiction under Article 226 to examine the validity of the order. The petitioner has a remedy of filing a revision before the Joint Registrar of Cooperative Society, Salem. Since this writ petition has been entertained in the year 2023, the benefit of limitation can be given to the petitioner.

4. In view thereof, this writ petition is disposed of on the following terms.

(i) The petitioner can file a revision petition under Section 153 of the Tamil Nadu Cooperative Societies Act, 1983 within a period of two weeks from the date of receipt of a copy of this order before the Joint Registrar of Cooperative Society, Salem;

(ii) If and when such a revision is filed the same can be treated as within time and the Joint Registrar, Cooperative Society, Salem shall consider the revision on merits and in accordance with law by affording an opportunity both to the petitioner as well as to the concerned Cooperative Society and decide the issue in accordance with law.

(iii) In any event the revision shall be disposed of within a period of



12 weeks from the date of filing of the revision. No costs. Consequently,
connected miscellaneous petition is also closed.

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Index : Yes
Speaking order: Yes
dpq

To

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D. BHARATHA CHAKRAVARTHY, J.

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