



W.P.No.6144 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.6144 of 2023

and

W.MP.Nos.6161&6162 of 2023

S.Anthony Dass

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Petitioner

Vs.

1. The Registrar of Co-operative Societies,
EVR Maaligai, Kilpauk,
Chennai 600 010.

2. The Joint Registrar of Co-operative
Societies, Nilgiri Zone,
Udhagamandalam, Nilgiri District.

3. The Deputy Registrar of Co-operative
Societies, Udhagamandalam,
Nilgiri District.

4. The President,
Oatacamund Co-operative Stores Ltd.
Udhagamandalam, Nilgiri District.

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Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking a WRIT OF CERTIORARIFIED MANDAMUS to call for the records pertaining to dismissal order passed by the 4th respondent in his proceedings Na.Ka. 1/2022, dated 07.02.2023, and quash the same and direct the 4th respondent to consider petitioner candidature to the promotional post of Salesman as called for vide Notification No.1/2022, dated 13.10.2022 issued by the 2nd respondent as per Circular No.33/2022/sa.na. 1 dated 29.12.2022 issued by the 1st respondent,

For the Petitioner : Mr.S.Pushpakaran

For Respondents : Mr.G,Krishnaraja
Additional Government Pleader

ORDER

The Writ Petition is filed for a Writ of Certiorarified Mandamus challenging the impugned order dated 07.02.2023 by which the petitioner is retrenched from service.

2.It is the contention of the learned counsel for the petitioner that the



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retrenchment is done on the ground that the posts were not sanctioned posts.

The retrenchment could not have been done on the said ground. In any event, considering the nature of the post, the petitioner cannot be non employed on the ground that they are not sanctioned posts.

3.Be that as it may, it can be seen that the order dated 07.02.2023 was passed by the President of the 4th respondent society. The 4th respondent society is not a local or other authority within the meaning of Article 12 of the Constitution of India so as to directly entertain the Writ Petition.

4. The remedy of the petitioner as against the order passed by the 4th respondent society is to file a revision petition under Section 153 of the Tamil Nadu Cooperative Societies Act before the jurisdictional Registrar. If and when such an application is filed, the same will be taken as if it were filed within the time, and the same shall be considered on merits.

5. In view thereof, this Writ Petition is disposed of on the following



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terms:

- (i) The petitioner will be at liberty to file a revision under Section 153 of the Tamil Nadu Cooperative Societies Act as against the order impugned in the Writ Petition dated 07.02.2023 bearing Na.Ka.No.1/2022;
- (ii) If the petitioner files such a revision within a period of two weeks from the date of receipt of a copy of this order, the same shall be treated as in time, and the second respondent shall deal with the same on merits in accordance with the law, and pass the final orders thereon within a period of 12 weeks from the date of filing of the said petition;
- (iii) No costs. Consequently, the connected miscellaneous petitions are closed.

11.06.2024

(1/4)

Note: The Registry shall return the original orders, so as to enable the petitioner to file revision. since already a Xerox copy is filed in the typed sets of this petition.

Neutral Citation :Yes/ No

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