



W.P.(MD) No.19953 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.19953 of 2015

and

M.P.(MD) No.1 of 2015

The President,
TNVHSG 39, Tirunelveli Taluk Co-operative
Housing Society Limited,
No.121, Upstairs Shenbagam Pillai,
Erettai Street, Tirunelveli Town-627 006,
Tirunelveli District.

.. Petitioner

Vs.

1.The Deputy Registrar (Housing),
Tirunelveli Region,
Singam Building,
Vannarpet, Tirunelveli-2.

2.J.Esther Stella Ponmani

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, to call for the records in pursuant to the impugned order passed by the first respondent in Thava. 153/2014-15/E1 dated 22.09.2015 and quash the same.

For Petitioner : Mr.M.Saravanakumar



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For R1 : Mr.J.K.Jeyaseelan
Government Advocate

For R2 : Mr.T.Jeen Joseph

ORDER

The impugned order had been passed by the first respondent invoking the powers under Section 90 of the Tamil Nadu Cooperative Societies Act, 1983 (hereinafter referred to as “the Act”).

2. The second respondent had approached the first respondent raising a service dispute with regard to her services. Even the second respondent's pleading before the first respondent would indicate that by a resolution of the year 2007, the second respondent had been recorded to have voluntarily left the service. Even according to her, she had rejoined the service in the year 2010 for a brief period and thereafter, she had been refused to be taken into service. Hence, she had approached the first respondent seeking for continuity of service and also reinstatement into service.



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3. Section 90 of the Act does not empower the Deputy Registrar to enter upon into the service of an employee of the society. The same had been reiterated by a Division Bench of this Court in W.A.(MD) No.3684 of 2004 etc., dated 19.08.2008. The only remedy that is available to the second respondent is to approach the Joint Registrar with a revision under Section 153 of the Act and not a petition under Section 90 of the Act.

4. For the aforesaid reasons, I am inclined to set aside the order passed by the first respondent made in this writ petition. However, the second respondent is at liberty to initiate appropriate proceedings before the competent authority in the manner known to law.

5. With the aforesaid observation, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

NCC : Yes/No
Index : Yes/No
abr

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K.KUMARESH BABU, J.

abr

To

The Deputy Registrar (Housing),
Tirunelveli Region,
Singam Building,
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