



W.P.No.32540 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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THE HON'BLE MR. JUSTICE RMT.TEEKAA RAMAN

W.P.No.32540 of 2014
and M.P.No.1 of 2014

Judgment reserved on 03.02.2025	Judgment pronounced on 07.02.2025
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M.Chandra
W/o.Somanathan, No.139, Teachers Colony,
Kattumannarkoil Post and Taluk,
Cuddalore District

Petitioner

Vs

1.The Joint Registrar of Cooperative Societies,
Cuddalore Region, Cuddalore District.

2.The Special Officer,
Chidambaram and Kattumannarkoil Taluk,
Makkal Nala Paniyalar and Panchayat
Clerks Co-operative Thrift and Credit Society
(now liquidated) Chidambaram,
Cuddalore District.

Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus calling for the entire records relating to the impugned order passed by the 1st respondent in her proceedings in Na.Ka.No.6563/2011 Thu.Va.Tha.1, dated 09.07.2012 and quash the same and consequently direct the respondents to reinstate the petitioner into service as Accountant or any one of the post in some other society as alternative post.



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For Petitioner : Mr.C.Prakasam

For R-1 : Mr.S.Arumugam,
Govt.Advocate, (co-op)

For R-2 : Mr.G.Ameedius,
Govt.Advocate,

ORDER

The above writ petition has been filed praying for a writ of certiorarified mandamus to call for the entire records relating to the impugned order passed by the 1st respondent in her proceedings in Na.Ka.No.6563/2011 Thu.Va.Tha.1, dated 09.07.2012 and quash the same and consequently direct the respondents to reinstate the petitioner into service as Accountant or any one of the post in some other society as alternative post.

2. Counter has been filed by the first respondent.

3. Heard the learned counsel for the petitioner as well as the learned Government Advocates appearing for the respondents and perused the records.



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4. The learned Government Advocate appearing for the first respondent would submit that the second respondent Society has under went liquidation.

5. The crux of the issue is that the second respondent society, according to the petitioner is a newly formed society and hence the Chief Promoter has powers to appoint and there is only one post for Accountant for which the petitioner was appointed which was found fault by the respondent, stating that in contravention of Rule 149 of the Tamil Nadu Co-operative Societies Rule 1988 (hereinafter referred to as “Rules”), the petitioner was appointed. As per the Rules, the candidates have to be sponsored from the Employment Exchange but the petitioner has entered into service by way of back door entry which is not permitted. As per the judgment of the Hon'ble Supreme Court in Uma Rani's case, the petitioner is not entitled to continue in the post of Accountant.

6. The case of the petitioner is that she was appointed on 18.12.2009 and hence she does not fall under the purview of G.O.Ms.No.86 dated 12.03.2001 and hence there was a retrenchment.



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7. From the counter and typed set of papers, I find that the 2nd respondent has issued the Show Cause Notice dated 23.05.2011 to the petitioner as to why she cannot be removed from the service of the Society. The petitioner received the said Show Cause Notice on 24.05.2011 and failed to submit her explanation. Hence, the 2nd respondent Society has retrenched the service of the petitioner on 13.09.2011 in the light of Section 25 F of the Industrial Dispute Act, 1947 alongwith compensation of Rs.5,815/- and one month pay of Rs.11,630/- totally an amount of Rs.17445/- to the petitioner alongwith the retrenchment order alongwith cheque to the value of Rs.17445/- on 15.09.2011 and accordingly, she was terminated from the service. Aggrieved by the order of termination passed by the 2nd respondent, the petitioner filed a revision under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983 before the 1st respondent. The Revisional Authority dismissed the petition by confirming the order of the 2nd respondent. Hence, the present petition.



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8. After perusing the counter affidavit, this court took note of the judgment of this court reported in 2002 (4) CTC 385 in ***L.Justin V. Registrar of Co-operative Societies*** which was confirmed by the Division Bench as well as by the Hon'ble Supreme Court in Civil Appeal 1413 of 2013 reported in 2004 (7) SCC 112 wherein it has been held that in respect of appointment in Co-operative Societies, only persons sponsored from the District Employment Services to be appointed, based upon the G.O.Ms.No.86 dated 12.03.2001 and all the persons who are not covered under the above said G.O. have to be terminated.

9. On perusal of the service matrix of the petitioner, nature of the appointment made by the prime promoter, the judgments stated supra and G.O.Ms.No.86 dated 12.03.2001, I find that the order of retrenchment is legally valid and no intervention is required. Hence, the impugned order passed by the 1st respondent is sustainable in law and the same does not call for any interference by this Court.



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10. Accordingly, this Writ Petition is dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

07.02.2025

rgr

Index : Yes/No

Speaking/Non-speaking order

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RMT.TEEKAA RAMAN, J.

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Pre-delivery Order in
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