

No.RCS/CLC/W.P No.2982/2011/ 46
Government of Puducherry
Co-operative Department

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Puducherry, the 27th February 2013

CIRCULAR

Sub: Appointment in co-operative societies - Issue of advertisement
In newspapers – Instructions – Modification – Issued.

Ref: This office circular No.RCS/CLC/W.P No.2982/2011/180 dated 12th
November 2012.

In pursuance of the circular cited, an application was made to the Hon'ble High Court seeking to modify the order dated 18th September 2012 in W.P. No.2982/2011.

2. The relevant portion of the clarificatory order dated 8th February 2013 in M.P. No.1/2013 in W.P. No.2982/2011 is extracted :

"5. While passing orders in W.P. No.2982 of 2011, the issue before me was only related to the Urban Bank. I have neither considered the By-laws of the Bank nor the actual vacancy position. It was a pure and simple direction in the facts and circumstances of the said case. I have not intended the said direction to be made applicable to all the Societies and Banks, as none of the other Societies and Banks were before me.

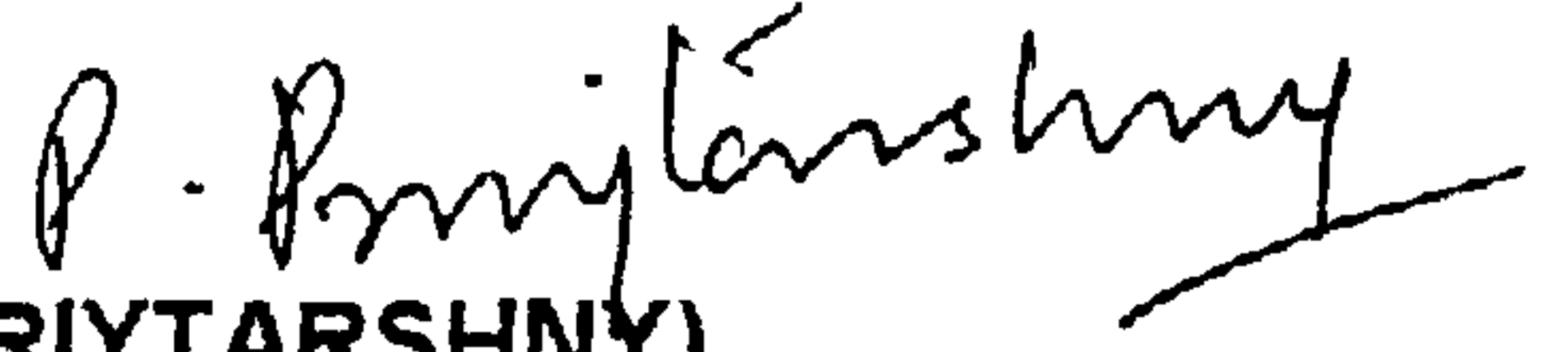
6. The Court can decide only the case before it. While deciding a particular matter, the Court was not expected to comment about other matters not before it. Similarly, the Court cannot issue directions, which would affect the interest of third parties.

7. The Co-operative Societies are functioning on the basis of respective By-laws. The By-laws of other Societies need not be in tune with the By-laws of Puducherry Co-operative Urban Bank. The observations made in relation to Urban Bank would not be applicable to other Societies and Banks covered by different set of By-laws.

8. The Miscellaneous Application is disposed of with the above observation."

3. In the light of the above clarification/modification, the instructions issued vide circular cited stand modified. The Chief Executives of the major co-operative societies are requested to keep in mind the above observations of the Hon'ble High Court and all appointments made hereafter shall be only as provided for in their bye laws.

4. The modification has the approval of the Secretary to Government (Co-operation), Puducherry.


(P. PRIYTARSHNY)

REGISTRAR OF COOPERATIVE SOCIETIES

To

The Chief Executives of all major co-operative societies in the Union territory of Puducherry.

Copy submitted to: The Secretary to Government (Co-operation)
Puducherry.

Copy to: 1. All Branch/Regional Officers.
2. Web master