



Tamil Nadu State Co-operative Societies Commission

From
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Commissioner,
TamilNadu State Co-operative Societies
Election Commission,
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Chennai-18.

To
The Registrar of Co-operative
Societies,
All Functional Registrars,

Rc.No.1316/2014/CE5 Dated.04.09.2014.

Sir,

Sub: Election – Election to Co-operative Societies in the State – Appointment of Administrator under 89 (1)
(i) involving the TamilNadu State Co-operative Societies Election Commission – Instructions – Issued.

The Commission noticed that in one society the competent authority by an order u/s 90 of the Tamil Nadu Co-operative Societies Act,1983 has set aside the election of the members of the board of a particular society and on the basis of which an Administrator u/s 89 (1) to manage the affairs of the said society has been appointed.

This order u/s 89 does not state the reason as mentioned either under section 89 (1) (i) or 89 (1) (ii).

A reading of section 89(1) shows that the Registrar may by order appoint an Administrator under this section only on two grounds viz:

89 (1) (i)

" the Tamil Nadu State Co-operative Societies Election Commission or any officer appointed by it under the Act or the rule made thereunder has failed to conduct election in accordance with the provisions of this Act and the rules, or"

89 (1) (ii)

"the new board constituted fails to enter, or is prevented from entering upon office on the expiration of the term of office of the earlier board ;'

In this instant case the competent authority has issued the order setting aside the election on 15.05.2014.

The competent authority u/s 89(1) has appointed the Administrator on 07.07.2014.

In the interim period i.e. till such time the administrator has taken charge the Board should have either been continuing or should have been ceased to exist.

However the Tamil Nadu State Co-operative Societies Election Commission was not duly informed for the conduct of election as provided under rule 52(1)(a) or (d) and therefore the question of failure to conduct the election by the Tamil Nadu State Co-operative Societies Election Commission does not at all arise.

Though the subject matter of appointment of Administrator in certain circumstances u/s 89 is purely under the domain of the various Registrars of Co-operative Societies but when the appointing authority invokes section 89 (1) for such appointment without mentioning in clear terms the exact reason for such an order which includes – interalia- "**the failure of the Tamil Nadu State Co-operative Societies Election Commission or any officer appointed by it to conduct the elections**"- the Election Commission has to compulsorily take note of such questionable orders into consideration and definitely therefore has to intervene.

The Commission which has a clear mandate for the conduct of election u/s 33(11)(b) and 33(A)(1) of the Act, therefore directs under rule 52-A (9) of the Tamil Nadu Co-operative Societies Rules, 1988 (holding any election under the Act and the Rules) that for appointing Administrator under section 89 (1) of the Tamil Nadu Co-operative Societies Act 1983, the appointing authority should clearly mention in the order the relevant provision as to whether the order is for the reason under 89 (1)(i) (failure to conduct the election by the Tamil Nadu State Co-operative Societies Election Commission), without any omission, before such appointment is made.

All the officers who are vested with the powers to appoint Administrator under section 89 have to be informed accordingly,

The action taken in this regard may kindly be reported by 20.09.2014 positively.

(Sd./-)
Commissioner