



W.P(MD) No.25860 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 06.07.2026

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P(MD) No.25860 of 2025

K.Ganesh Karthikeyan

... Petitioner

Vs.

1.The Registrar of Co-Operative Societies,

178 E.V.R. Periyar Salai,

Kilapauk, Natarajan Maligai,

Chennai.

2.The Joint Registrar of Co -Operative Societies,

Dindigul Region,

Velu Nachiyar Campus, 2nd Floor, Collectorate,

Dindigul - 624 004.

3.The Deputy Registrar of Co -Operative Societies,

Office of the Deputy Registrar of Co -Operative Societies,

Palani Circle,

Palani.



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4.The Administrtor,

A-331, Palani Co-Operative Urban Bank,

Palani - 624 601.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF MANDAMUS directing the Respondents to disburse the Retirement benefits of the petitioner which are in the nature of Arrears of Salary, Earned Leave Encashment withheld, Earned Leave Encashment arrears, PF Arrears and the amount withheld on account of surcharge case against the staff by name K.Ganesan which altogether work out to Rs.9,58,149/- (Rupees Nine Lakh Fifty Eight Thousand One Hundred and Forty Nine Only) along with interest at 9% per annum on quarterly compounding basis from the date of the petitioner's retirement on 30.06.2024 till the date of actual disbursement.

For Petitioner : Mr.T.Joshua

For Respondents : Mr.C.Jeganathan – for R1 to R3

Counsel for the Government of Tamil Nadu

Mr.D.Shanmugaraja Sethupathy – for R4



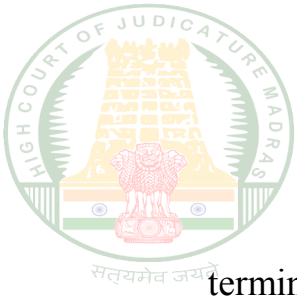
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ORDER

This writ petition has been filed seeking writ of Mandamus directing the respondents to disburse the Retirement benefits of the petitioner which are in the nature of Arrears of Salary, Earned Leave Encashment withheld, Earned Leave Encashment arrears, PF Arrears and the amount withheld on account of surcharge case against the staff by name K.Ganesan which altogether work out to Rs.9,58,149/- (Rupees Nine Lakh Fifty Eight Thousand One Hundred and Forty Nine Only) along with interest at 9% per annum on quarterly compounding basis from the date of the petitioner's retirement on 30.06.2024 till the date of actual disbursement.

2. The petitioner herein, who was worked as a Assistant General Manager in the 3rd respondent Bank, retired from service on attaining the age of superannuation on 30.06.2024 and thereafter, the terminal benefits that are payable to the petitioner have been paid. However, the petitioner appears to have made a claim for payment of



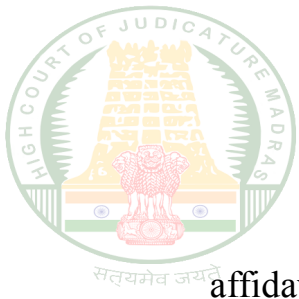
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terminal benefits in terms of the revised pay scales said to have been fixed in terms of settlement arrived at under Section 12(3) of Industrial Disputes Act, 1947 in terms of the proceedings in ROC.No.23/2024/Na.Va.3 dated 31.07.2024 issued by the 1st respondent.

3. Further case of the petitioner is that the said proceedings dated 31.07.2024, the 4th respondent must have entered into a settlement under Section 12(3) of Industrial Disputes Act, 1947 and therefore, the petitioner is also entitled for revision of his pay w.e.f., 01.01.2012 till the date of his superannuation and for terminal benefits in terms of the said revised proceedings. In fact whether there was any such settlement or not is not clear from the material on record. However, learned counsel for the petitioner contents that all other employees are being paid the revised pay scale in terms of settlement and seeks time to produce a copy of such settlement.

4. On the other hand, Mr.D.Shanmugaraja Sethupathy, learned counsel appearing for respondent No.4 having filed a counter



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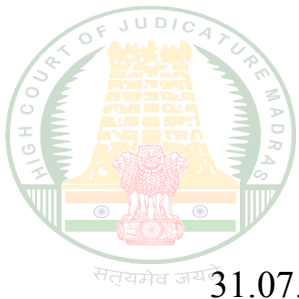
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affidavit on behalf of respondent No.4 strenuously content that the writ petition itself is not maintainable against the 4th respondent in the light of the law laid down by the Larger Bench of this Court in the case of ***K.Marappan vs. The Deputy Registrar of Cooperative Societies*** reported in ***(2006) 4 CTC 689***. He also placed reliance on an order dated 08.04.2026 passed by this Court in W.P(MD) No.23986 of 2024.

5. The learned counsel for the petitioner also placed reliance on the case of K.Marappan and contents that that there is no absolute bar on the maintainability of writ petition against Co-operative society or Co-operative Bank, and in case if there is any statutory violation, the writ petition can be entertained.

6. This Court has carefully considered the submissions made on either side and also perused the entire material on record.

7. Whether there was any settlement under Section 12(3) of the Industrial Disputes Act, 1947 in terms of the proceedings dated



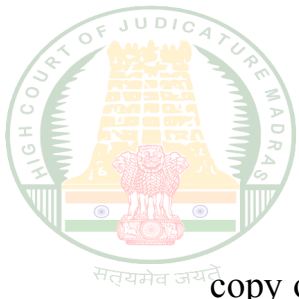
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31.07.2024 is not clear from the material on record. Even if there is any such settlement, the same will not have the status of a statutory settlement or a statutory agreement. Therefore, even if there is any violation of such settlement, the same cannot be treated as violation of any statutory provision, thereby enabling the petitioner to maintain the present writ petition.

8. Ultimately, whether the petitioner is entitled for differential amounts by applying the revised pay scales alleged to have been brought into force after the petitioner's retirement is concerned, the same is a question of fact and the same cannot be examined in a writ petition filed under Article 26 of the Constitution of India. Even otherwise, the claim made by the petitioner is now stated to have been rejected by the respondent No.4 and accordingly, an order is also stated to have been passed on 25.06.2025.

9. However, the learned counsel for the petitioner contents that the same has not been communicated to the petitioner as on date. A



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copy of the said proceeding is handed over to the learned counsel for the petitioner in the open Court today.

10. In the light of the said proceedings dated 25.06.2025, it is always open for the petitioner to contest against the said proceeding by filing a revision under Section 153 of Tamil Nadu Cooperative Societies Act, 1983 before the Joint Registrar concerned and agitate all his claims. Thus the petitioner has got an efficacious alternative remedy where the factual disputes also can be enquired into, in the said petition.

11. In the light of the above and taking into consideration the decision of the Larger Bench of this Court, this Court is not inclined to entertain this writ petition and this Court has no other option except to hold that the writ petition is not maintainable and accordingly, the writ petition is dismissed granting liberty to the petitioner to avail the remedy of revision available under Section 153 of the Tamil Nadu Cooperative Societies Act, 1983 against the proceedings dated 25.06.2025 within a period of four weeks from the date of receipt of a copy of this order. In



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case, if any such revision is filed by the petitioner within the time stipulated above, the same shall be entertained and considered on merits by the second respondent without any reference to limitation and dispose of the same on its own merits as expeditiously as possible, at any rate, within a period of two months from the date of receipt of revision petition filed by the petitioner. No costs.

06.07.2026

Index : Yes / No

NCC : Yes / No

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MUMMINENI SUDHEER KUMAR, J.

RM

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