

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2015

CORAM

THE HONOURABLE MR.JUSTICE D. HARIPARANTHAMAN

W.P.Nos.19926 to 19928 of 2015
and
M.P.Nos.1, 1, 1, 2 and 2 of 2015

R.Ammasi .. Petitioner in W.P.No.19926/2015
M.Madheeswaran .. Petitioner in W.P.No.19927/2015
K.Nallathambi .. Petitioner in W.P.No.19928/2015
.. Vs ..

The Managing Director,
SAGOSERVE,
Salem Starch & Sago Manufacturers Service
Industrial Co-operative Society Ltd.,
Jagirammalayam, Omalur Main Road,
Salem-636 302. .. Respondent in all W.Ps.

Prayer in W.P.No19926/2015:- Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the respondent in his proceedings Na.Ka.No.2286/Pa/2013, dated 23.01.2015 and quash the same and consequently directing the respondent to disburse the recovered salary of five installments from the petitioner to the tune of Rs.81,885/- during his service together with earned leave salary and unearned leave on private affairs to the petitioner.

Prayer in W.P.Nos.19927 & 19928/2015: Petitions under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the respondent in his proceedings Na.Ka.No.2286/Pa/2013, dated 23.01.2015 and quash the same and consequently directing the respondent to disburse the retirement benefits which was deducted by the respondent to the tune of Rs.1,08,260/- and 1,08,066/- respectively to the petitioners.

In all W.Ps.

For Petitioners: Mr.C.Prakasam
For Respondent : Mr.L.P.Shanmughasundaram,
Special Government Pleader

COMMON ORDER

The prayer in the writ petitions is against the Co-operative Society. The same is not in dispute. Just because the Managing Director is appointed by the Government, the same cannot alter the nature of the society.

2. I am of the view that the writ petitions are not maintainable as against co-operative society in view of the larger Bench Judgment of this Court in the case of K.Marappan vs. The Deputy Registrar of Cooperative Societies, Namakkal and another reported in 2006 (4) CTC 689. Hence, the Writ Petitions stand dismissed. However, this will not preclude the petitioners from filing revision under Section 153 of the Tamil Nadu Co-operative Societies Act. If the petitioners approach the revisional authority within a period of three weeks from the date of receipt of a copy of this order, the revisional authority is directed to consider the claim of the petitioners on merits without reference to delay and dispose the same as expeditiously as possible. No costs. The connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Jrl
TO

The Managing Director,
SAGOSERVE,
Salem Starch & Sago Manufacturers Service
Industrial Co-operative Society Ltd.,
Jagirammalayam, Omalur Main Road,
Salem-636 302.

+ 1 cc to Mr.C.Prakasam, Advocate SR.33866
+1 cc to Mr.C.Prakasam, Advocate, sr.33863 (29/10/2015)

W.P.Nos.19926 to 19928 of 2015

NM(CO)
Eu 29.07.15