

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2017

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9344 of 2014

P.Senthilkumar

... Petitioner

-vs-

1.The Joint Registrar,
Thanjavur Co-operative
Marketing Federation ltd.,
Thiruvarur.

2.The Secretary,
Thanjavur Co-operative
Marketing Federation ltd.,
Thiruvarur.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to consider and pass order on petitioner's representation dated 05.09.2013 and 28.01.2014.

For Petitioner :: M/s.T.Srinivasaraghavan & Asso.

For Respondents :: Mr.L.P.Shanmugasundaram
Special Government Pleader (For R1)

Mr.D.Venkatachalam (For R2)

सत्यमेव जयते

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to consider and pass orders on the representations submitted by the writ petitioner on 05.09.2013 and 28.01.2014.

2.The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner was placed under suspension, on account of initiation of Disciplinary Proceedings. However, the second respondent has not paid the subsistence allowance as applicable to the writ petitioner under the rules. Subsequently, the writ petitioner was reinstated in service and the subsistence allowance as applicable is remaining unpaid. In this regard, the writ petitioner submitted the representations to the respondents.

3.This Court is of the opinion that the writ petitioner is an employee of the Co-operative Society and therefore, he has to exhaust the remedy available under the Tamil Nadu Co-operative Societies Act. No writ can be entertained against the Co-operative Society. In view of the legal principles settled by the Larger Bench of this Court in the case of Marappan and others Vs. Deputy Registrar of Co-operative Societies, Namakkal reported in 2006 (4) CTC 689. Thus, the writ petitioner has to exhaust the remedy of revision provided under Section 153 of the Tamil Nadu Co-operative Societies Act. Thus, the writ petitioner is at liberty to approach the Competent Authorities for redress his grievances.

4.Accordingly, the writ petition stands dismissed as not maintainable. However, there is no order as to cost.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Joint Registrar,
Thanjavur Co-operative
Marketing Federation ltd.,
Thiruvarur.

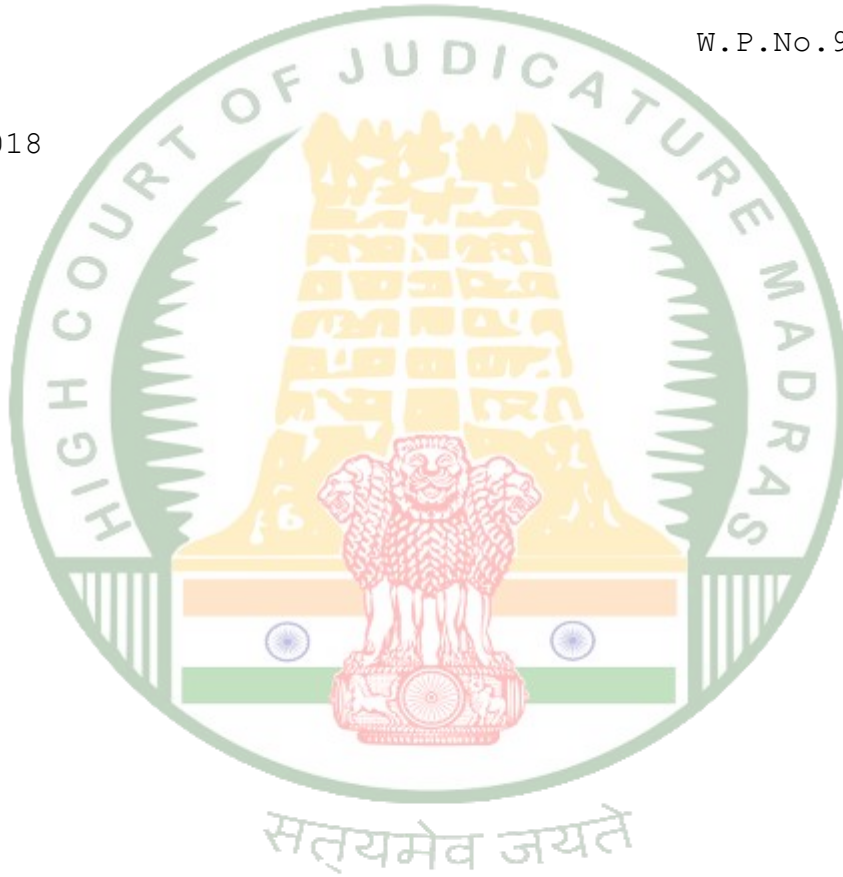
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2.The Secretary,
Thanjavur Co-operative
Marketing Federation ltd.,
Thiruvarur.

+1 cc to Govt Pleader sr 87415
+1 cc to M/s.T.Srinivasaraghavan Advocate sr 87072
+1 cc to M/s.D.Venkatalachalam Advocate sr 86501

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