

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.3125 of 2017

and

W.M.P.Nos.3048 and 3049 of 2017

N.Sivasubramanian ..Petitioner

Vs

1. The Registrar of Cooperative Societies,  
No.170, N.V.N.Maalgai, E.V.R.High Road,  
Kilpauk,  
Chennai - 600 010.
  2. The Joint Registrar of Cooperative Societies,  
Nagapattinam Region,  
No.303, 3rd Floor, Collector's Office Building,  
Nagapattinam.
  3. The Deputy Registrar of Cooperative Societies,  
Mayiladuthurai Circle, Deen Plaza,  
Mayiladuthurai - 609 001,  
Nagapattinam District.
  4. The Managing Director,  
TheMayuram Cooperative Urban Bank Ltd.,  
No.158, Mahadhana Street,  
Mayiladuthurai - 609 001,  
Nagapattinam District.
- ..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari to call for the entire records relating to the impugned order passed by the 4th respondent in his proceedings No.Nil dated 17.11.2104 and quash the same.

For Petitioner : Mr.c.Prakasam

For Respondent : Mr.L.P.Shanmugasundaram,  
Special Government Pleader  
(Co.op.)

## ORDER

By consent, the writ petition is taken up for final disposal. Mr.L.P.Shanmugasundaram, learned Special Government Pleader accepts notice on behalf of the respondents.

2. The petitioner was appointed as Jewel Appraiser / Assistant in the service of the 4th respondent on 04.10.1995 and according to him, he has so far put in 21 years of hard, sincere and honest service to the satisfaction of his superiors and also possesses post graduate qualification in Commerce. The petitioner would aver that he continues to work on consolidated payment of Rs.8,400/-per month till 31.07.2008 and thereafter, the 4th respondent revised his pay as Rs.8,415/- per month.

3. The grievance expressed by the petitioner is that despite the settlement between the management and employees, the 3rd respondent has directed the 4th respondent to fix the scale of pay of the petitioner as Rs.4,487/- per month whereas the pay scale of other employees were revised to their benefit. As a consequence, there is reduction of pay to the tune of Rs.3913/- to the petitioner.

4. Mr.C.Prakasam, learned counsel for the petitioner would submit that though the impugned order came to be passed as early as on 17.11.2014, the pay scale having not been reduced and as on today, the petitioner is receiving the salary of Rs.8,415/- per month and taking advantage of the impugned order, the pay scale is sought to be reduced to great extent to disadvantage of the petitioner and therefore, prays for appropriate orders.

5. Mr.L.P.Shanmugasundaram, learned Special Government Pleader would submit that the writ petition is not maintainable on the ground of statutory violation has not been pleaded by the petitioner and the petitioner is also having effective and alternative remedy under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983 and therefore, prays for dismissal of this writ petition. सत्यमेव जयते

6. This Court has carefully considered the rival submissions and also perused the materials available on record.

7. The petitioner did not plead statutory violation and as such, this Court is of the view that the writ petition is not maintainable as against the order passed by the 4th respondent. However, taking into consideration the above facts and circumstances and that the petitioner is having an alternative or effective remedy, he is permitted to file a revision under Section 153 of the Co-operative Societies Act, 1983, within a period of two weeks from the date of receipt of a copy of this order and the 2nd respondent, upon receipt of the said revision, shall take it on file, if the papers are otherwise in order,

without putting the issue of limitation and thereafter, consider and dispose of the said revision and pass orders within a period of six weeks thereafter and communicate the decision taken to the petitioner and till such time, the 4th respondent shall defer further proceedings as to the reduction of the pay scale of the petitioner. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

sd/

Assistant Registrar(CCC)

/true copy/

Sub Assistant Registrar

vsi

To

1. The Registrar of Cooperative Societies,  
No.170, N.V.N.Maalgai, E.V.R.High Road,  
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4. The Managing Director,  
The Mayuram Cooperative Urban Bank Ltd.,  
No.158, Mahadhana Street,  
Mayiladuthurai - 609 001, Nagapattinam District.

+1cc to Mr.C.Prakasam, Advocate SR.No.8384

+1cc to Mr.L.P.Shanmugasundaram, Advocate SR.No.8170

+1cc to Government Pleader SR.No.8325.

W.P.No.3125 of 2017

RK(CO)

GN(27/02/2017)