

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 31.10.2017
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.22037 of 2014

K.Jayaraman

..Petitioner

Vs

1.The Registrar of Co-Operative Societies,
Chetpet,
Chennai.

2.The Special Officer,
No.1846, Kanchipuram Co-operative Society Press,
No.6, Vandavasi Road,
Kanchipuram District.

3.The District Collector,
Kanchipuram,
Kanchipuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 2nd respondent to pay all the retirement benefits such as P.F., Gratuity, Leave Salary, Security Deposit, Savings and other benefits entitle to the petitioner sum of Rs.89,387/- within a time framed as fixed by this Court along with interest @ 18% from 31.7.2003 onwards till payment of the retirement benefits.

For Petitioner : Mr.A.Saranraj
For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader
(Co-operative Societies)
for R1 & R3
Ms.T.P.Savitha, R2

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O R D E R

The relief sought for in this writ petition is for a direction to the second respondent to pay all the terminal benefits such as Provident Fund, Gratuity, Leave Salary, Security Deposit, Savings and other benefits to the writ petitioner.

2. This Court is of the opinion that the relief sought for in this writ petition by the writ petitioner is against the second respondent/Special Officer of Kancheepuram Co-operative Society Press, which is a Co-operative Society registered under the Tamil Nadu Co-operative Societies Act. Thus, the second respondent is not a State within the meaning of Article 12 of the Constitution of India. Thus, the writ petition cannot be entertained against the Management of the Co-operative Society and it is for the writ petitioner to exhaust the remedies available under the provisions of the Tamil Nadu Co-operative Societies Act, 1983. In view of the legal principles in this regard is settled by larger Bench of this Honourable High Court in the case of K. MARAPPAN VS. DEPUTY REGISTRAR OF COOPERATIVE SOCIETIES, NAMAKKAL reported in 2006 (4) CTC 689.

3. More so, the revision lies before the competent authority under Section 153 of the Tamil Nadu Co-operative Societies Act. In this view of the matter a liberty is granted to the writ petitioner to approach the competent authority under the provisions of the Tamil Nadu Co-operative Societies Act and redress his grievances. Thus, no further adjudication is required on merits and the grounds raised in this writ petition.

4. Accordingly the writ petition stands dismissed as not maintainable. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Registrar of Co-Operative Societies,
Chetpet,
Chennai.
- 2.The Special Officer,
No.1846, Kanchipuram Co-operative Society Press,
No.6, Vandavasi Road,
Kanchipuram District.

3.The District Collector,
Kanchipuram,
Kanchipuram District.

+2 ccs to the Govt Pleader sr 77671
+1 cc to Ms.T.P.Savitha Advocate sr76795

W.P.No.22037 of 2014

msm(co)
aa27/11/2017



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