

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.10.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.16579 of 2014

U.A.Andi

..Petitioner

Vs

- 1.The Registrar
Tamil Nadu Co-Operative Societies
No.170, N.V.N.Maalgai
Kilpauk, Chennai.
- 2.The Joint Registrar of the Co-operative Societies
Namakkal Region, Namakkal.
- 3.The Deputy Registrar of the Co-operative Societies
Thiruchengode Circle
Thiruchengode, Namakkal Distirct.
- 4.The Velur Co-operative Primary Agricultural
And Rural Development Bank Ltd.,
Represented by its President
Paramathi Velur
Namakkal District. ... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the fourth respondent to disburse the interest amount of Rs.1,42,789/- arose out of the petitioner's retirement benefits in the light of direction of the third respondent in his proceedings in Na.Ka.No.825/2013 dated 27.06.2013.

For Petitioner : Mr.V.Subramanian

For Respondents: Mr.L.P.Shanmugasundaram for R1 to R3
Special Government Pleader

:Mr.M.S.Palanisamy for R4

O R D E R

The relief sought for in this writ petition is for a direction to direct the fourth respondent to disburse the interest amount of Rs.1,42,789/- arose out of the petitioners retirement benefits, in the light of direction issued by the third respondent in proceedings dated 27.06.2013.

2. The learned counsel appearing for the writ petitioner made a submission that the writ petitioner was appointed as a Supervisor in the fourth respondent / The Velur Co-operative Primary Agricultural and Rural Development Bank Ltd., and was promoted up to the level of Secretary. The petitioner was allowed to retire from service on 30.04.2002. However, the benefit of the settlement entered between the management and the Employees Union under Section 12(3) & Sec 18(1) of Industrial Disputes Act, 1947, in respect of revision scale and other allowances has not been settled infavour of the writ petitioner.

3. This apart, the terminal and retirement benefits has been calculated in accordance with the settlement was paid to the writ petitioner. However, the writ petitioner made a compliant in respect of the interest portion to the tune of Rs.1,42,789/-. In this regard, the writ petitioner has relied on the proceedings of the Deputy Registrar of the Co-operative Societies Act, Thiruchangodu, on 27.06.2013. The said commission states that the dues to the petitioner to be settled and the information to be provided to the Deputy Registrar. Inspite of the direction, no action has been taken by the fourth respondent Co-operative Society, to settle the interest.

4. However, this Court is of the opinion that the relief as such sought for in this writ petition is against the management of co-operative society. A Co-operative Society registered under the Provision of the Tamil Nadu Co-operative Societies Act, 1983 is not a state within the meaning of the Article 12 of the Constitution of India.

5. Thus, no writ can be entertained against the order passed by the Co-operative Societies 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.

6. Thus, the writ petitioner has to exhaust the remedy available under Provision of the Tamil Nadu Co-operative Society Act. More specifically, a revision lies before the Competent Authority, under Section 153 of the Tamil Nadu Co-operative Societies Act. In view of the fact that the terminal benefits are already settled and the portion of interest to be settled infavour of the writ petitioner, the writ petitioner is at liberty to approach the Competent Authority under the Provision of the Tamil Nadu Co-operative Societies Act, in order to redress her grievances.

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

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

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To

- 1.The Registrar
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Kilpauk, Chennai.
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Thiruchengode Circle
Thiruchengode, Namakkal Distirct.
 - 4.The Velur Co-operative Primary Agricultural
And Rural Development Bank Ltd.,
Represented by its President
Paramathi Velur
Namakkal District.
- + 1 cc to Mr.V.Subramanian Advocate,SR.72375
- + 1 cc to The Govt.Pleader, SR.72642

सत्यमेव जयते

W.P.No.16579 of 2014

PPA (CO)
NR 04/12/2017

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