

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.09.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19665 of 2016
and WMP.No.17019 of 2016

K.Adhishesan

.. Petitioner

Vs

1. The Deputy Registrar of Co-operative Societies,
Kancheepuram.

2. The President,
Uthiramerur Primary Agricultural Co-operative
Credit Society Limited, No.41,
Uthiramerur 603 406,
Kancheepuram District.

...Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the 1st respondent relating to the order in Na.Ka.No.2762/2013/B1 dated 10.12.2015, to quash the same and to issue consequential directions to the respondents to grant revised Pay Scale of Pay and payment of Salary in the Light of the Settlement Under Section 12(3) of the I.D. Act in the Promoted Post of Clerk with effect from 01.03.2013, annual increments and disburse arrears thereof within a time frame.

For Petitioner : Mr.K.Govindaraj

For Respondents: Mr.L.P.Shanmugasundaram
Special Government Pleader (Co-op)

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O R D E R

The writ petitioner is an employee of the second respondent Co-operative Society. The writ petitioner filed this writ petition with a relief to quash the order passed by the Deputy Registrar of Co-operative Society in proceeding dated 10.12.2015, in respect of the grant of revised scale of pay and payment of salary in the light of the settlement. However, on perusal of the impugned order dated 10.12.2015, it is clear that the Deputy Registrar has issued an order rejecting the claim of

the writ petitioner in relation to the implementation of the wage revision settlement. However, under the provisions of the Act, the Deputy Registrar is not a competent authority and the Joint Registrar is the competent authority to exercises the powers in relation to the service conditions of the employees of the Co-operative Societies.

2. The writ petitioner ought to have filed a revision petition under Section 153 of the Tamil Nadu Co-operative Societies Act, at the first instance. Contrarily, he has filed a representation to the first respondent herein, erroneously and obtained an order from this Court for a direction to consider the representation. The Deputy Registrar being an incompetent authority under the Tamil Nadu Co-operative Society Act to decide the matters relating to the service conditions of the employees of the Co-operative Societies. The relief as such sought for in this writ petition cannot be granted.

3. The writ petitioner being an employee of the Co-operataive Society ought to have preferred a revision petition under the Tamil Nadu Co-operative Societies Act, before the Joint Registrar. The Joint Registrar is the competent authority and exercising the powers of the Registrar under the Act, by virtue of the notification issued by the Government. Accordingly, the writ petitioner is at liberty to file a revision petition before the Joint Registrar of Co-operative Societies under Section 153 of the Co-operative Societies Act, in order to redress his grievances.

4. In this view of the matter, no further adjudication is required to be undertaken in this writ petition, and accordingly, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

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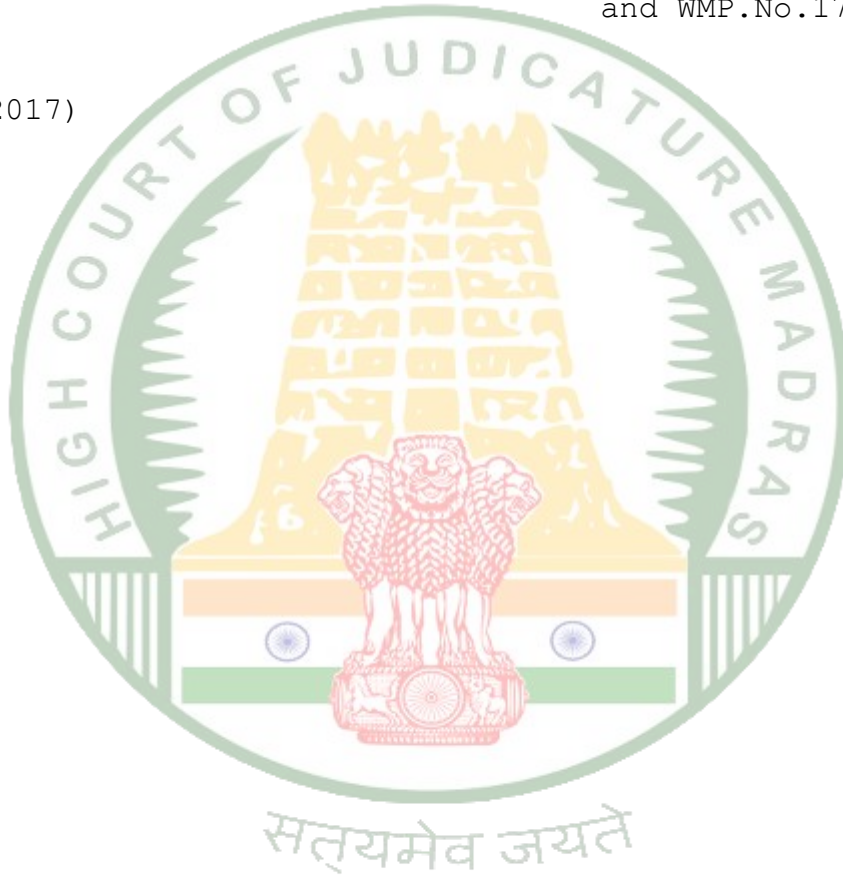
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Uthiramerur 603 406,
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+1cc to L.P.Shanmugasundaram, Advocate Sr. 70190
+1cc to Mr.K.Govindaraj, Advocate Sr. 70725
+1cc to the Government Pleader Sr. 70798

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MN (CO)
VR(27/10/2017)



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