

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19450 of 2017

Arunkumar

...Petitioner

/versus/

1.The President,
R.1273 Perambalur Agricultural Producers,
Cooperative marketing Society,
Athur Road, Perambalur.

2.The Managing Director,
R.1273 Perambalur Agricultural Producers,
Cooperative marketing Society,
Athur Road, Perambalur.

...Respondents

Prayer: Writ petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus or order or direction in the nature of writ directing the Respondents to consider petitioner's representation dated 04.04.2017 for retirement benefits.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.L.P.Shanmugasundaram
Spl. GP, Cooperative.

ORDER

The relief sought for in this Writ Petition is for a direction, to direct the respondents to consider the petitioner representation on 4th April 2017 for disbursement of retirement benefits.

2. The writ petitioner was employed as Writer, in Perambalur Agricultural Produces Co-operative Marketing Societies. The grievance of the writ petitioner is that even after his retirement on attaining the age of superannuation, the terminal and retirement benefits were not paid to him. Thus, he made a representation to the respondents to disburse the terminal and retirement benefits, which was not considered. The writ petitioner is an employee of the Cooperative Society and

the Cooperative Society is not a State within the meaning of Article 12 of the Constitution of India. The legal principle was settled by the larger bench of this Court in the case of Marappan -vs- Deputy Registrar of Cooperative Society 2006(4) CTC 89. Further remedy to the writ petitioner lies under the provisions of the Tamil Nadu Cooperative Societies Act. Thus, no writ petition can be entertained against the Cooperative Society, in view of the said legal principles laid down by the larger bench of this Court cited supra.

3. In view of the legal principles no further consideration is required. Accordingly, the Writ Petition is stands dismissed. However, no order as to costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

rna

To

1. The President,
R.1273 Perambalur Agricultural Producers,
Cooperative marketing Society,
Athur Road, Perambalur.
2. The Managing Director,
R.1273 Perambalur Agricultural Producers,
Cooperative marketing Society,
Athur Road, Perambalur.

+ 1 cc to M/s.L.P.shanmugasundaram, Advocate,SR.54039

+ 1 cc to M/s.M.Ravi, Advocate,SR.53722

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NR 17/08/2017

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