

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.37192 of 2015 &
M.P.No.1 of 2015

V.Rajakannu

...Petitioner

Vs.

- 1.The Registrar of Co-operative Societies
(Housing), Nandanam, Chennai - 600 030.
 2. The Deputy Registrar (Housing),
Trichy Region, Trichy, Trichy District.
 3. The President / Administrator,
Udayarpalayam Taluk Co-operative Housing,
Society Ltd., TRY / HSG-32, NGA Colony,
Jayamkondam - 621 802, Ariyalur District.
 4. The Assistant Director, co-operative Audit,
Co-operative Audit,
Ariyalur, Ariyalur District.
- ...Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to settle the terminal and retirement benefits viz., 6 months, Salary, Provident Fund, Earned Leave Salary, Gratuity and other monetary benefits along with interest within stipulated time.

For Petitioner : Mr.K.Balu

For Respondents 1-3 : Mr.L.P.Shanmugasundaram
(Special Government Pleader)

For Respondent -4 : Mr. R.Balaramesh

O R D E R

The relief sought for in this writ petition is for a direction to the respondent to consider and pass orders on the appeal preferred by the writ petitioner dated 18.12.2007. The writ petitioner was appointed as clerk on 01.03.1975 in Jayamkondam Co-operative Housing Society and thereafter worked

in Kodukkur Kudikadu Village co-operative Housing Society. The services of the writ petitioner was regularized and subsequently he was promoted to the post of Accountant and thereafter to the post of Secretary in-charge in the 3rd respondent society. However, the terminal benefits due to the writ petitioner has not been settled after the date of retirement and thereafter the writ petitioner is constrained to move this writ petition.

2. The writ petitioner being an employee of Co-operative Society the writ petition cannot be entertained, since the Co-operative society is not a state within the meaning of Article 12 of the Constitution of India. The remedy lies to the writ petitioner before the competent authority under the provisions of the Tamil Nadu Co-operative Society Act 1983 and it is left open for the writ petitioner to approach the competent authorities under Section 153 of the Co-operative Society Act to redress his grievances in relation to the disbursement of the terminal benefits.

3. Thus, this Court cannot entertain this writ petition on merits in view of the principles laid down by the larger bench in the case of (K.Marappan Vs. The Deputy Registrar of Co-operative Societies, Namakkal) reported in 2006 (4) CTC 689.

4. Thus, The Writ Petition deserves no further consideration and accordingly the Writ Petition dismissed as not maintainable. However, no order as to costs and consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The Registrar of Co-operative Societies
(Housing), Nandanam, Chennai - 600 030.

2. The Deputy Registrar (Housing),

Trichy Region, Trichy, Trichy District.
+1cc to K.Balu Advocate SR.No.68271
+1cc to Government Pleader SR.No.69522
+1cc to R.Bala ramesh, Advocate SR.No.68523

W.P.No.37192 of 2015

SDR 10.10.2017