

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2017

CORAM

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

W.P.No.34120 of 2013

V.Dharmalingam

... Petitioner

Vs

1. The District Collector,
Nagapattinam.
2. The Zonal Joint Registrar,
Co-operative Society,
Collector Office, Nagapattinam.
3. The Deputy Registrar,
Co-operative Society,
Deputy Registrar Office,
Nagapattinam.
4. The President,
Z 719 Thitachery Primary Agriculture
Co-operative Credit Society Ltd.,
Purakramam Village and Post,
Nagapattinam.
5. The Secretary,
Z 719 Thitachery Primary Agriculture
Co-operative Credit Society Ltd.,
Purakramam Village and Post,
Nagapattinam.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to dispose of my representation dated 03.10.2013 within time as stipulated by this Court.

For Petitioner : Mr.J.Nandagopal

For Respondents : Ms.T.Girija,
Government Advocate, for R1
Mr.L.P.Shanmugasundaram
Special Government Pleader
(Co-operative Societies),
for R2 to R5

O R D E R

The relief sought for in this writ petition is for a direction to the second respondent to dispose of the representation submitted by the writ petitioner on 03.10.2013.

2. The learned counsel appearing for the writ petitioner made a submission that the writ petitioner was employed as Secretary under the third respondent Primary Agricultural Bank and retired from service on 31.10.2011 on attaining the age of superannuation. The grievances of the writ petitioner is that, even after his retirement, the terminal and retirement benefits due to him have not been disbursed. Thus, he made a representation in this regard to the second respondent on 03.10.2013 and the same is yet to be considered.

3. The writ petitioner is an employee of the Co-operative Society. This Court is not inclined to entertain this writ petition on merits, in view of the legal principles settled by the Larger Bench of this Court in the case of K. MARAPPAN VS. DEPUTY REGISTRAR OF COOPERATIVE SOCIETIES, NAMAKKAL reported in 2006 (4) CTC 689. Thus, no writ can be issued against the Management of the Co-operative Society. The writ petitioner has to exhaust the remedies available under the provisions of the Tamil Nadu Co-operative Societies Act. More specifically, the writ petitioner has to file a revision petition under Section 153 of the Act before the competent authority in a prescribed format.

4. Thus, the petitioner is at liberty to file such a revision petition before the competent authority under the provisions of the Tamil Nadu Co-operative Societies Act in order to redress his grievances in relation to the disbursement of his terminal and pensionary benefits. Thus, no further adjudication on merits needs to be undertaken in this writ petition.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ms

To

1. The District Collector,
Nagapattinam.
2. The Zonal Joint Registrar,
Co-operative Society,
Collector Office,
Nagapattinam.
3. The Deputy Registrar,
Co-operative Society,
Deputy Registrar Office,
Nagapattinam.
4. The President,
Z 719 Thitachery Primary Agriculture
Co-operative Credit Society Ltd.,
Purakramam Village and Post,
Nagapattinam.
5. The Secretary,
Z 719 Thitachery Primary Agriculture
Co-operative Credit Society Ltd.,
Purakramam Village and Post,
Nagapattinam.

+1cc to Mr.J.Nandagopal, Advocate, S.R.No.78686
+1cc to the Government Pleader, S.R.No.78587

W.P.No.34120 of 2013

RR(CO)
CA(22/11/2017)

सत्यमेव जयते

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