

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.11.2017

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

W.P.No.34808 of 2013

S.Ramasamy

..Petitioner

vs

1.The Commissioner, Agricultural Department,
Tamil Nadu Agro Engineering Service,
Chepauk, Chennai - 600 005.

2.The President,
Alathur Agro Engineering Service,
Co-operative Centre - (YA9)
Alathur, Taluk - 621 109.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the First Respondent for order to disburse petitioner's arrears of salary and other benefits including attendants benefits as per audit report year by year and till date.

For Petitioner : M/s.G.Natarajan

For Respondents : M/s.T.Girija
Government Advocate(Co-op)
for R1

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ORDER

The writ petitioner was an employee of the 2nd respondent Corporation which is registered under the provisions of the Tamil Nadu Co-operative Societies Act. The writ petitioner was holding the post of sales man cum Writer in the 2nd respondent Corporation. The writ petitioner retired from service on 30.04.2011. However, the terminal and pensionary benefits have not been settled and in this regard, a writ petition is filed seeking a direction to disburse the arrears of salary and other benefits to the writ petitioner.

2. This Court is of the view that no writ can be entertained against the Co-operative Society in respect of the employees of the Co-operative Society. The employees of the Co-operative Society have to exhaust the remedies available under the provisions of the Tamil Nadu Co-operative Societies Act. The legal principles settled in this regard has been settled by the larger Bench of this Court in the case of *K.Marappan Vs. Deputy Registrar of Coperative societies, Namakkal Circle, Namakkal 636 001 and another* reported in **2006 4 CTC 689**. The writ petitioner has to avail the remedy provided under the Tamil Nadu Co-operative Societies Act, more specifically, Section 153 of the Tamil Nadu Co-operative Societies Act. Thus, the writ petitioner is granted liberty to approach the competent authority under the provisions of the Act.

3.Thus, no further adjudication is required on merits in this writ petition. Accordingly, the writ petition is dismissed as non-maintainable. However, there shall be no order as to costs.

31.10.2017

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Speaking Order/Non-Speaking Order:Yes/No
Index:Yes/No
Internet:Yes/No

To

1.The Commissioner, Agricultural Department,
Tamil Nadu Agro Engineering Service,
Chepauk, Chennai - 600 005.

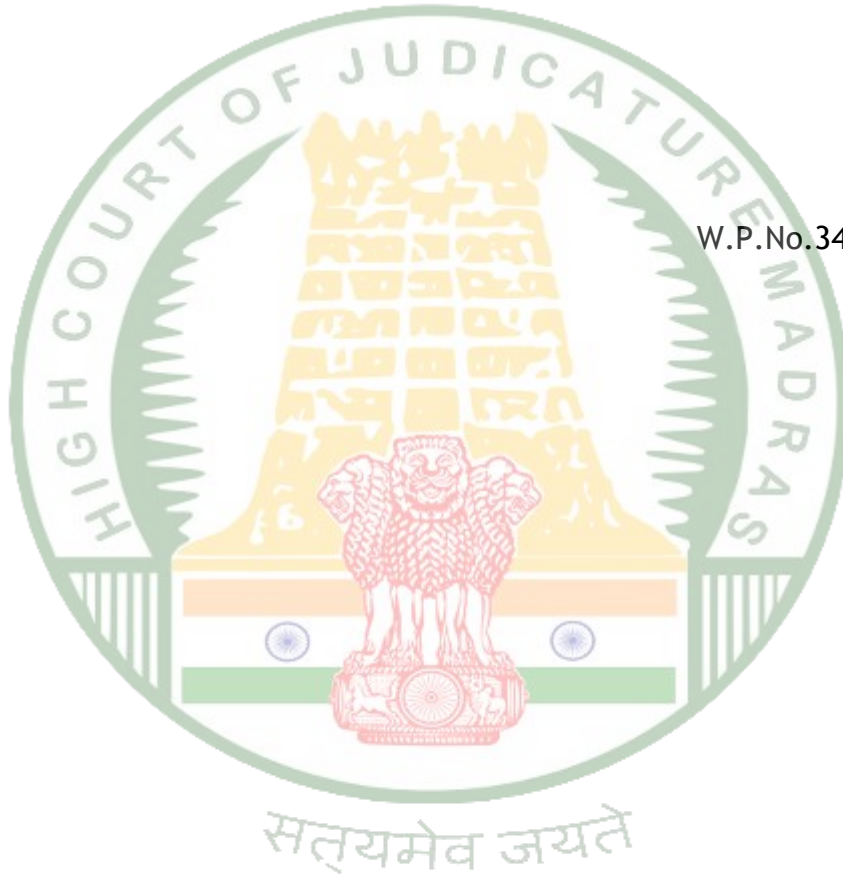
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S.M.SUBRAMANIAM J

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