IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2017

Coram

The Honourable Mr. Justice **D. KRISHNA KUMAR**

W.P.No.16003 of 2010
and MP No.1 of 2010

1. G. Anna
2. P. Sekar ... Petitioners

vs.

1. The Managing Director,
   Tamil Nadu State Transport Corporation,
   Salamedu,
   Villupuram-1

2. The Special Officer/Secretary,
   Tamil Nadu State Transport Employees Co-op
   Thrift and Credit Society Ltd.,
   F.T.65, Salamedu, Periyar Maaligai,
   Villupuram

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus forbearing the first respondent from deducting any amount from the petitioners' salary in the guise of loan account on the file of the second respondent herein.

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For Petitioners : Mr.C. Prakasam
For R.1 : Mr.T. Chandrasekaran
For R.2 : Mr.T. Dhanyakumar

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ORDER

The petitioners have filed the present writ petition seeking to issue a Writ of Mandamus forbearing the first respondent from deducting any amount from the petitioners' salary under the guise of loan account on the file of the second respondent herein.

2. According to the petitioners, they are the employees of the first respondent-Corporation. The petitioners borrowed loan from the second respondent Society and the instalment amount has been deducted from the salary of the petitioners under the Tamil Nadu Cooperative Societies Act 1983 and has been paid to the second respondent Society. Now, the petitioners have filed the above writ petition forbearing the first respondent from deducting any amount from the petitioners' salary under the guise of loan account.

3. The learned counsel for the first respondent submitted that the instalment amount has been deducted from the petitioners' salary and has been paid to the second respondent Society under Sec.48 of the Tamil Nadu Co-operative Societies Act 1983.

4. The second respondent has filed counter, in which, it is stated that still there is arrears of loan amount, payable by the petitioners to the second respondent Society.

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5. In view of the above, this court is of the view that the writ petition is not maintainable. If the petitioners are aggrieved, they can approach the appropriate forum as provided under Sec.90 of the Tamil Nadu Co-operative Societies Act 1983. When such efficacious remedy is not exhausted, the writ petition cannot be entertained under Article 226 of the Constitution of India.

5. In view of the facts and circumstances of the case, this Court is not inclined to entertain the writ petition. Hence the writ petition is dismissed, with liberty to the petitioners to approach to file an application under Sec.90 of the Tamil Nadu Co-operative Societies Act 1983, if so advised, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

6. The learned counsel for the respondents submitted that if the petitioners approach the appropriate authority as directed above, within the aforesaid period, the same shall be entertained without insisting the limitation period.

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Index:yes/no

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D. KRISHNA KUMAR, J.,

sr

To

1. The Managing Director,
   Tamil Nadu State Transport Corporation,
   Salamedu,
   Villupuram-1

2. The Special Officer/Secretary,
   Tamil Nadu State Transport Employees Co-op
   Thrift and Credit Society Ltd.,
   F.T.65, Salamedu, Periyar Maaligai,
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