

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.09.2017

CORAM

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

W.P.No.29583 of 2016

and

WMP.No.19073 of 2017

T.Sivanandam

Vs

...Petitioner

1. Joint Registrar (Co-operative Societies),
Thiyagarajapuram agrapharam
(Near Lakshmi Narayana Co-op Bank),
Thiruvavarur-610 001.
2. Deputy Registrar (Co-operative Societies),
Old Nagai Salai (Near Lakshmi Narayana Co-op Bank),
Thiruvavarur-610 001.
3. Registrar of Co-operative Societies,
No 170 N V Natarajan Maaligai,
Poonamallee High Road,
Kilpauk, Chennai-600 010.
4. The Secretary,
ZA.72. Thappalampuliyur Primary Agricultural
Co-operative Bank Limited, Thappalampuliyur,
Thiruvavarur-610 001.
5. The Assistant Provident Fund Commissioner,
Sub Regional Office-Trichy,
Bhavishya Nidhi Bhawan,
Post Box No.588. Sree Complex, 'D' Block,
No. 18, Madurai Road,
Trichy-620 008.

...Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records in pursuant to the letter dated 06.06.2016 issued by the 4th respondent and quash the same and directing the respondents 1 to 4 to disburse the petitioner arrears of Salary from June 2006 to August 2010 and other superannuation benefits like pension, Provident Fund and Gratuity forthwith.

For Petitioner : M/s.R.Divya Priya

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader (Co-op)
(for RR1 to 4)

Mrs.V.J.Latha (for R5)

ORDER

The writ petitioner being an employee of the Co-operative Society has filed this writ petition challenging the order passed by the 4th respondent- Management in proceeding dated 06.06.2016.

2.The Co-operative Society is not a State within the meaning of Article 12 of the Constitution of India. Accordingly, no writ will lie against the actions initiated by the Co-Operative Society. The said legal principle has already been decided by the Larger Bench of this Court in Marappan and others Vs. Deputy Registrar of Co-operative Societies, Namakkal reported in 2006 (4) CTC 689. Thus, it is left open to the writ petitioner to approach the competent authorities under section 153 of the Tamil Nadu Co-Operative Societies Act, to redress his grievances. In view of the fact that a mechanism is provided under the Tamil Nadu Co-operative Societies Act to redress the grievances of their employees and in view of the Larger Bench decision of this Court, no writ can be issued by exercising the power under Article 226 of the Constitution of India. Thus, this Court is not inclined to consider the issues raised in the Writ Petition.

3. Accordingly, the Writ Petition stands dismissed as not maintainable. No costs. Consequently, connected Miscellaneous Petition stands closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sjj/rpa

To

1. Joint Registrar (Co-operative Societies),
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(Near Lakshmi Narayana Co-op Bank),
Thiruvarur-610 001.
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Post Box No.588. Sree Complex, 'D' Block,
No. 18, Madurai Road, Trichy-620 008.

+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No. 70191

+1cc to Mrs.V.J.Latha, Advocate, S.R.No. 69761

+1cc to the Government Pleader, S.R.No. 70799

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PA (CO)
PSI 28/10/2017



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