

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.10.2017

CORAM

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

W.P.No.23077 of 2004
WP.M.P.No.27908 of 2004

M.Lingasamy

..Petitioner

Vs

1.The Deputy Registrar of Co-operative
Societies, Erode Circle,
Erode District.

2.The Special Officer
A.A-7, Lakkumanaickenpatti Primary
Agricultural Co-operative Bank Ltd.,
Lakkumanaickenpatti
Kangeyam Taluk
Erode District.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to disburse the terminal benefits of the petitioner as per concluded settlement arrived at under Sec.18(1) and 12(3) settlement of the I.D.Act between the petitioner and the management of the respondent bank.

For Petitioner :Mr.C.Prakasam

For Respondents :Mr.L.P.Shanmugasundaram for R1
Special Government Pleader
: Mr.S.K.Ranganathan for R2

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to disburse the terminal benefits of the petitioner as per concluded settlement arrived at under Section 18(1) and 12(3) of the Industrial Disputes Act.

2. The learned counsel appearing for the writ petitioner made a submission that the writ petitioner was appointed as a Secretary in the second respondent / Lakkumanaickenpatti Primary Agricultural Co-operative Bank Ltd.,. The petitioner was allowed to voluntarily retire from service on 31.12.2003. However, the

benefits of the settlement entered between the management and the Employees Union under Section 12(3) & Sec 18(1) of Industrial Disputes Act, 1947, in respect of revision scale and other allowances has not been settled infavour of the writ petitioner.

3. This apart, the terminal and retirement benefits has been calculated in accordance with the settlement and paid to the writ petitioner. However, the writ petitioner made a compliant in respect of the balance amount to the tune of Rs.3,71,754/-.

4. However, this Court is of the opinion that the relief as such sought for in this writ petition is against the management of co-operative society. A Co-operative Society registered under the Provision of the Tamil Nadu Co-operative Societies Act, 1983 is not a state within the meaning of the Article 12 of the Constitution of India.

5. Thus, no writ can be entertained against the order passed by the Co-operative Societies in view of the legal principles settled by the Larger Bench of this Court in the case of Marappan and others Vs. Deputy Registrar of Co-operative Societies, Namakkal reported in 2006 (4) CTC 689.

6. Thus, the writ petitioner has to exhaust the remedy available under Provision of the Tamil Nadu Co-operative Society Act. More specifically, a revision lies before the Competent Authority, under Section 153 of the Tamil Nadu Co-operative Societies Act. This Court has to consider this case on that perspective also. In view of the fact that the terminal benefits are already settled and the portion of interest to be settled infavour of the writ petitioner, the writ petitioner is at liberty to approach the Competent Authority under the Provision of the Tamil Nadu Co-operative Societies Act in order to redress his grievances.

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

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Sd/-
Assistant Registrar
//True Copy//

Sub Assistant Registrar

dna

To

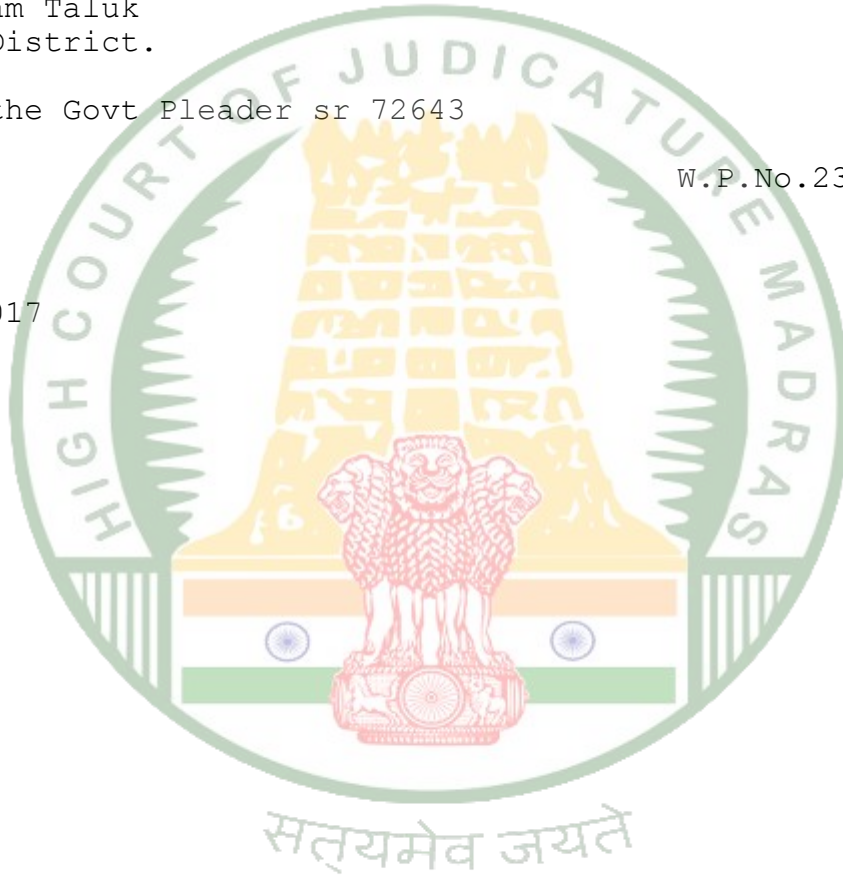
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+1 cc to the Govt Pleader sr 72643

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