

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07-09-2017

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P. No.37539 of 2016

R.Rajendran

Vs.

Petitioner

1.The Registrar of Co-operative Societies,
V.N.Natarajan Maligai,
E.V.R.Road,
Kilpauk,
Chennai-10.

2.The Joint Registrar of Co-operative Societies,
Government Multipurpose Buildings,
Collectorate,
Theni.

3.The Deputy Registrar of Co-operative Societies,
Land Development Bank Building,
Uthamapalayam,
Theni District.

4.The President,
D.D.158, Bodinayakanur Agricultural
Co-operative Society Ltd.,
Prasad Complex,
Near Town Police Station,
Kamaraj Bazaar,
Bodinayakanur,
Theni District.

.... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay the arrears of salary, earned leave salary, retirement benefits including Gratuity along with interest at the rate of 12% from the date of retirement till the date of actual payment.

For Petitioner : Mr.S.Saravanan

For Respondents-1 to 3: Mr.L.P.Shanmugasundaram,
Special Government Pleader (Co-op) .

For Respondent-4 : Ms.S.Shamini

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to pay the arrears of salary, earned leave salary, retirement benefits including gratuity along with interest at the rate of 12% from the date of retirement till the date of actual payment.

2. The learned counsel appearing for the writ petitioner submits that the writ petitioner was working in the post of Manager in the Bodinayakanur Agricultural Co-operative Society Ltd., and retired from service on 31.7.2012, on attaining the age of superannuation. However, the terminal and retirement benefits are not paid to the writ petitioner. In this regard, the present writ petition is filed by the writ petitioner, seeking the relief to disburse the terminal and retirement benefits.

3. The terminal benefits are to be disbursed by the fourth respondent-Co-operative Society, to the writ petitioner. The Co-operative Society is not a State within the meaning under Article 12 of the Constitution of India. Thus, the remedy lies to the writ petitioner before the competent authorities under the provisions of the Tamil Nadu Co-operative Societies Act. More specifically, the writ petitioner has to prefer a revision petition under Section 153 of the Tamil Nadu Co-operative Societies Act, which is a statutory revision. The fourth respondent, being not a State, no writ can be entertained under Article 226 of the Constitution of India.

4. The legal principles in this regard was settled by a larger Bench of this Court in the case of K.Marappan vs. Deputy Registrar of Co-Operative Societies, Namakkal Circle, Namakkal [(2006) 4 CTC 689 (FB)], held that no writ can lie against the Co-operative Society.

5. Thus, it is left open to the writ petitioner to prefer a revision petition under Section 153 of the Tamil Nadu Co-operative Societies Act, before the competent authority to redress his grievances regarding the settlement of terminal and retirement benefits.

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

Sd/-

Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

To

1.The Registrar of Co-operative Societies,
V.N.Natarajan Maligai,
E.V.R.Road,
Kilpauk,
Chennai-10.

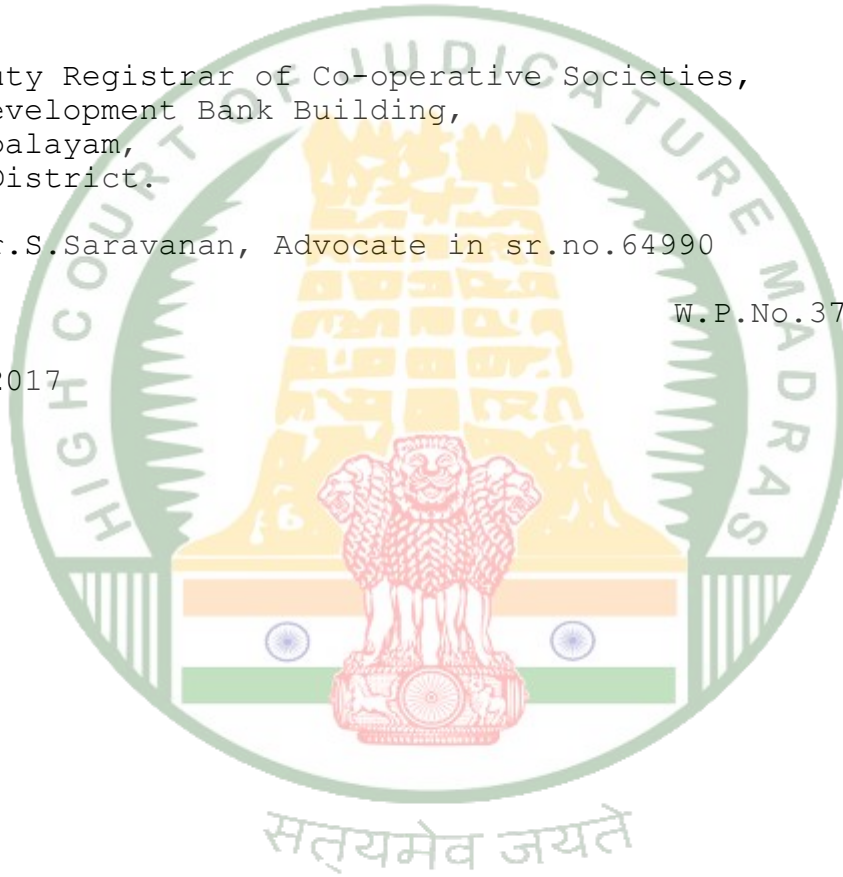
2.The Joint Registrar of Co-operative Societies,
Government Multipurpose Buildings,
Collectorate,
Theni.

3.The Deputy Registrar of Co-operative Societies,
Land Development Bank Building,
Uthamapalayam,
Theni District.

+1cc to Mr.S.Saravanan, Advocate in sr.no.64990

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NR 24/10/2017



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