

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.04.2018

CORAM

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

W.P.No.9055 of 2018

and W.M.P.No.10911 of 2018

M.Krishnasamy

..Petitioner

.Vs.

- 1.The Agriculture in Director/Registrar
Agricultural Engineering Services
Chepauk, Chennai - 600 005.
- 2.Y.A.9.Alathur Agro Engineering and Services
Co-operative Centre, Alathur Gate
Rep by its Secretary, Alathur
Perambalur Taluk, Perambalur District.
- 3.The Co-operative Registrar
Office of the Joint Director(Agriculture)
Madurai - 2.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of directing the first respondent to disburse the terminal dues amounting to Rs.27,50,297/- to the petitioner in consideration of his various representations dated 16.09.2015, 10.06.2016, 06.08.2016, 22.11.2017 and 23.11.2017 vis-a-vis letter bearing Na.Ka.No.46007/2012 Ve.Po.Pa.2 dated 23.02.2017 issued by the first respondent seeking information as to the pendency of terminal dues in respect of the retired employees.

For Petitioner : Mr.R.Tholgappian

For Respondents: Mr.L.P.Shanmugasundaram

Special Government Pleader [Co-op]

O R D E R

The relief sought for in this writ petition is for a direction to direct the first respondent to disburse the terminal dues amounting to Rs.27,50,297/- to the petitioner in consideration of his various representations dated 16.09.2015, 10.06.2016, 06.08.2016, 22.11.2017 and 23.11.2017 vis-a-vis

letter bearing Na.Ka.No.46007/2012 Ve.Po.Pa.2 dated 23.02.2017 issued by the first respondent seeking information as to the pendency of terminal dues in respect of the retired employees.

2.The learned counsel appearing for the writ petitioner states that the writ petitioner was appointed as tractor Driver in the Tamil Nadu Agro Engineering and Service Co-operative Federation Limited, which is registered under the Tamil Nadu Co-operative Societies Act. The writ petitioner served in the society for more than 3 decades and attained the age of superannuation. However, the terminal and pensionary benefits due to the writ petitioner has not been settled.

3.Further the society has already been liquidated and an Official Liquidator was appointed by the Registrar. If the society is liquidated under the provisions of the Tamil Nadu Co-operative Societies Act the procedures as contemplated are to be followed by the Liquidator for the settlement of all the benefits due to the writ petitioner. Therefore, the writ petitioner has to approach the competent authorities under the provisions of the Tamil Nadu Co-operative Societies Act for the purpose of redressing his grievances.

4.This writ petitioner is at liberty to approach the competent authorities under the provisions of the Tamil Nadu Co-operative Societies Act for the purpose of redressing his grievances. The present writ petition is against a co-operative society seeking the relief of terminal benefits. In view of the Legal Principles laid down by the Larger bench of this Court in K.Marappan and Ors. Vs. the Deputy Registrar of Co-operative Societies reported in 2006(4) CTC 689, held that no writ will lie against a Co-operative Society. it is for the writ petitioner to work out his remedy under the provisions of Tamilnadu Co-operative Societies Act, 1983. In view of the precedent stated supra, this Court is not inclined to consider the grounds raised in this writ petition.

5. Accordingly, this writ petition shall stand dismissed as not maintainable. However there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS VI)

//True copy//

Sub Assistant Registrar

maya

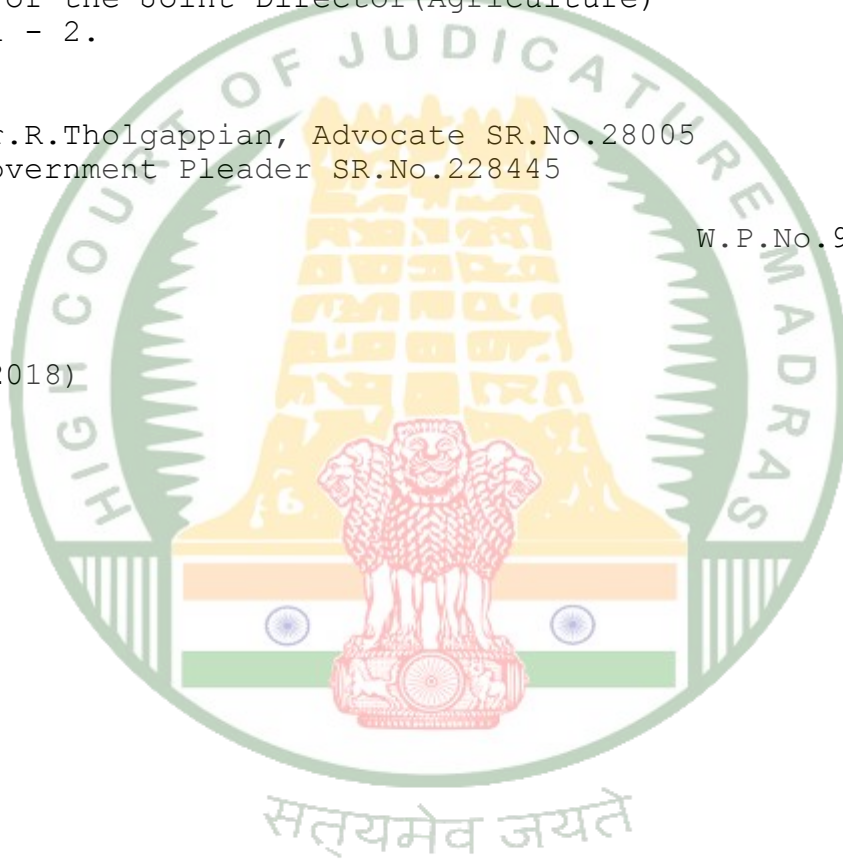
To

- 1.The Agriculture in Director/Registrar
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- 3.The Co-operative Registrar
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Madurai - 2.

+1cc to Mr.R.Tholgappian, Advocate SR.No.28005
+1cc to Government Pleader SR.No.228445

W.P.No.9055 of 2018

PA(CO)
GN(27/04/2018)



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