

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :05.10.2018
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No. 7455 of 2013
and MP.No.1 of 2013

V.Subburayan ...Petitioner

Vs

1.The Joint Registrar,
Co-operative Societies, Villupuram District,
Villupuram District.

2.The Special Officer,
Kiliyanur Primary Agricultural Cooperative Credit
Society Kiliyanur Village and Post,
Vanur Taluk,
Villupuram District.Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to disburse the subsistence allowance to the petitioner as per suspension order dated 21.07.2009.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader
(Co-operatives) for R1 & 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 subsistence allowance to the petitioner as per suspension order dated 21.7.2009.

2. The writ petitioner was working as Salesman in the 2nd respondent Society. He was placed under suspension, on account of revenue allegations.

3. The grievances of the writ petitioner is that the subsistence allowance as applicable has not paid to him. However, the fact remains that the writ petitioner is an employee of the Cooperative Society, which is registered under the provisions of the Tamil Nadu Cooperative Societies Act. The Cooperative Society is not a State within the meaning of Article 12 of the Constitution of India. In respect of the employee of the Cooperative Society, the alternate remedy of revision is to be exhausted, which is provided under the Tamil Nadu Cooperative Societies Act.

3. The legal principles in this regard are settled by the Larger Bench of this Court in the case of K.Marappan Vs. The Deputy Registrar of Co-operative Societies and another reported in 2006 (4) CTC 689

4. Thus, the writ petitioner is at liberty to approach the competent authority under the provisions of the Act for the redressal of his grievances. Accordingly, the writ petition stands dismissed as not maintainable. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

05.10.2018

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Internet:Yes/No

Index : Yes/No

Speaking/Non speaking order

To

1.The Secretary to Government,
Commercial Taxes Department,
Fort St.George,
Chennai-09.

2.The Principal Secretary,
Commissioner of Commercial Taxes, Chepauk,
Ezhilagam, Chennai-05.

S.M.SUBRAMANIAM, J.

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