

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2018

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.17465 of 2014

D.S.John Milton

... Petitioner

Vs

1. The Additional Registrar of Cooperative Societies (Chennai Region),
No.91, St.Marry's Salai,
Abiramapuram, Chennai - 600 018.
2. The Deputy Registrar of Co-op Societies,
(Credit) "Kuralagam" 2nd Floor, Chennai - 600 108.
3. Madras Dock Worker's Co-op.,
Thrift and Credit Society Ltd., X-414,
47, Broadway,
Chennai - 600 108.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent Addl. Registrar of Co-op Societies to consider the petitioner's representation dated 20.08.2013 submitted with reference to arrears of salary of Rs.1,98,650/- and pass orders therein within the time fixed by this Hon'ble Court.

For Petitioner : Mr.M.Thangaraju

For R1 & R2 : Mr.T.Girija,
Government Advocate (Co-operatives)

For R3 : Mr.R.Bala Ramesh

O R D E R

The relief sought for in the present writ petition is for a direction to direct the 1st respondent to consider the petitioner's representation dated 20.08.2013 submitted with reference to arrears of salary of Rs.1,98,650/-.

2. The learned counsel for the writ petitioner made a submission that the writ petitioner was appointed as an Accounts Clerk on 05.07.1966 in the 3rd respondent Co-operative Society.

3. The grievances of the writ petitioner is that the arrears of salary due to him has not been paid to the writ petitioner. In this regard, the petitioner made several representations to the respondents and they have not passed any orders at all. Thus, the writ petitioner is constrained to move the present writ petition.

4. The learned counsel appearing on behalf of the respondents made a submission that the writ petitioner is an employee of the Cooperative society and therefore, the writ petition itself is not maintainable.

5. This Court is of an opinion, that the Cooperative Societies, registered under the provisions of the Tamil Nadu Co-operative Societies Act, 1983, is not a "State" within the meaning of Article 12 of the Constitution of India. The remedy lies to the employees under the Act before the competent authorities. Accordingly, the aggrieved employees have to file a Revision Petition under Section 153 of Tamil Nadu Co-operative Societies Act, 1983 for the redressal of their grievances.

6. The learned counsel for the writ petitioner states that the 3rd respondent Cooperative Society has not passed any orders and therefore, the writ petitioner was not in a position to approach the competent authorities under Section 153 of Tamil Nadu Co-operative Societies Act, 1983.

7. This Court is of an opinion that the scope of Section 153 of Tamil Nadu Co-operative Societies Act was adjudicated by this Court and an elaborate order was passed on 21.09.2017 in W.P.No.16904 of 2015. Based on the orders passed by this Court, the Registrar of Co-operative Societies, Kilpauk, Chennai, issued Circular No.13/17 dated 06.11.2017. As per the circular, even in the absence of any order, the aggrieved employees can approach the Revisional authorities under Section 153 of Tamil Nadu Co-operative Societies Act, 1983.

8. This being the factum of the case, this Court is of an opinion that the writ petitioner has to approach the competent authorities under the provisions of the Act for the redressal of his grievances. Further, the writ petitioner can entertain against the Co-operative societies in view of the fact that the Co-operative Societies is not a "State" within the meaning of Article 12 of the Constitution of India.

9. Accordingly, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

kak/ssr

To

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2. The Deputy Registrar of Co-op Societies,
(Credit) "Kuralagam" 2nd Floor, Chennai - 600 108.
3. Madras Dock Worker's Co-op.,
Thrift and Credit Society Ltd., X-414,
47, Broadway, Chennai - 600 108.

+1 cc to Mr.M.Thangaraju, Sr.No.73602
+1 cc to The Government Pleader, Sr.No.73470
+1 cc to Mr.R.Balaramesh, Advocate Sr.No.72964

W.P.No.17465 of 2014

RV(CO)
CSL/19.11.2018

सत्यमेव जयते

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