

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27104 of 2016

and

W.P.M.P.No.23284 of 2016

M.Velu ...Petitioner

Versus

1.The President

C-1247, Kaniyanoor Primary Agricultural Co-operative Bank,
Kaniyanoor Village,
Arcot Taluk, Vellore District.

2.The Secretary

C-1247, Kaniyanoor Primary Agricultural Co-operative Bank,
Kaniyanoor Village,
Arcot Taluk, Vellore District.

...Respondents

Prayer: Writ petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus to quash the impugned order passed by the 1st respondent dated 06.06.2016 and consequently issue direction to the respondents to pay the surrender leave salary, the remaining salary for the suspension period from 01.08.2015 to 29.10.2015, from 30.10.2015 to 06.11.2015 the remaining 25% salary, 6% Dearness allowance, earned leave, Travel Allowance and the annual increment amount from October 2015.

For Petitioner : Mr.P.Krishnan

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader
(Co-operatives)

ORDER

The relief sought for in this writ petition is to quash the impugned order passed by the 1st respondent dated 06.06.2016 and to direct the respondents to pay the surrender leave salary, the remaining salary for the suspension period from 01.08.2015 to 29.10.2015, from 30.10.2015 to 06.11.2015 the remaining 25% salary, 6% Dearness allowance, earned leave, Travel Allowance and the annual increment amount from October 2015.

2.On a perusal of the order impugned dated 06.06.2016, which is enclosed in Page No.9 of the typed set of papers along with the writ petition, the same has been issued by the president of Co-operative Society, which is registered under the Provisions of the Tamil Nadu Co-operative Societies Act, 1983. A Co-operative Society, which is registered under the Co-operative Societies Act, is not a "State" within the meaning of Article 12 of the Constitution of India.

3.Thus, no writ petition can be entertained against a Co-operative Society. The employees aggrieved from and out of the order passed by the Management of the Co-operative Society has to exhaust the remedies available under the provisions of the above said Act. The legal principles in this regard are 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.

4.Accordingly, the writ petitioner is liberty to approach the Competent Authorities under the Provisions of the Tamil Nadu Co-operative Societies Act. This being the factum of the case, the present writ petition is not maintainable and accordingly, the same stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

nmm/kak

+1cc to Mr.L.P.SHANMUGASUNDARAM, Advocate, S.R.No.37188
+1cc to Mr.P.KRISHNAN, Advocate, S.R.No.37580

W.P.No.27104 of 2016
and

W.P.M.P.No.23284 of 2016

RJ(CO)
TR(21/06/2018)

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