



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

**W.P(MD)No.13538 of 2011 and
MP(MD)No.1 of 2011**

P.Selvaraj

... Petitioner

Vs.

1. The Employees Provident Fund,
Organization,
Sub-Regional Office,
Sree Complex, B Block,
No.18, Madurai Road,
Trichy.
2. The Registrar of Co-Operative Societies,
Chetpet, Chennai.
3. The Joint Registrar of Co-Operative Societies,
Thiruvarur.
4. The Deputy Registrar of Co-Operative Societies,
Thiruvarur.
5. The Special Officer,
ZA,72, Tappalampuliyur Primary Agricultural
Credit Society,
Tappalampuliyur,
Thiruvarur Taluk, Thiruvarur District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, a Writ of Mandamus, directing the respondents 1 to 4 to issue suitable direction to the 5th respondent to pay the sum of Rs.5,74,116/- with 18% interest from the date of entitlement till realization and to take appropriate action against the 5th respondent.

For Petitioner : Mr.C.Jegannathan

For Respondents 1 to 4 : Mr.M.Muthu,
Additional Government Pleader

For Respondent 5 : No appearance

ORDER

The relief sought for in this writ petition is for a direction to direct the respondents 1 to 4 to issue suitable direction to the 5th respondent to pay a sum of Rs.5,74,116/- with 18% interest from the date of entitlement and to take appropriate action against the 5th respondent.

2.The learned counsel appearing for the writ petitioner would submit that the writ petitioner was an employee of the 5th respondent Co-Operative Society and retired from the post of Secretary, on attaining the age of superannuation. However, the terminal and pensionary benefits due to the petitioner has not been settled. The learned Counsel for the petitioner states that inspite of his entitlement, the 5th respondent is not settling the dues as per Act and the by-laws.

3.However, this Court is of an opinion that the writ petitioner as an employee of the Co-operative society seeks disbursement of his terminal benefits from the 5th respondent, which is a Co-operative Society registered under the Tamil Nadu Co-operative Societies Act. The Co-operative society is not a "State" , within the meaning of Article 12 of the Constitution. No writ can be entertained in view of the legal principles 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**. Thus, the remedy lies before the competent authority under the Provisions of the Tamil Nadu Co-operative Societies Act.

4.This being the legal principles to be followed, this Court is not inclined to entertain the writ petition. Accordingly, the writ petition stands dismissed. The petitioner is at liberty to avail the remedy under Section 153 of the Tamil Nadu Co-operative Societies Act by preferring a revision petition before the competent authority. However, there shall be no orders as to costs. Consequently,MP(MD)No.1 of 2011 is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Employees Provident Fund,
Organization,
Sub-Regional Office,
Sree Complex, B Block,
No.18, Madurai Road, Trichy.



2. The Registrar of Co-Operative Societies,
Chetpet, Chennai.

3. The Joint Registrar of Co-Operative Societies,
Thiruvarur.

4. The Deputy Registrar of Co-Operative Societies,
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5. The Special Officer,
ZA,72, Tappalampuliyur
Primary Agricultural
Credit Society,
Tappalampuliyur,
Thiruvarur Taluk,
Thiruvarur District.

+ 1 cc TO M/S.Veera Associates , Advocate in SR No. 45347

+ 1 cc TO The Special Government Pleader in SR No. 45522

dsk

AE/SKN RSK/SAR2/14.02.2018/3P/8C

ORDER MADE IN
W.P(MD)No.13538 of 2011
30.01.2018