



TBEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2018

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P (MD) No.20317 of 2013
and
M.P (MD) No.2 of 2013

Retired Urban Bank Employees' Forum,
(Oivu Pettra Nagara Vangi Ooliyargal Amaippu),
Through its Joint Secretary,
No.181/1, Nethaji Road,
Kokkirakulam,
Tirunelveli-627 009.

... Petitioner

Vs

1.The Secretary,
Government of Tamil Nadu,
Co-operative, Food and Consumer
Protection Department,
Secretariat,
Fort St. George,
Chennai-600 009.

2.The Registrar of Co-operative Societies,
No.170, Periyar EVR Road,
Kilpauk,
Chennai-600 010.

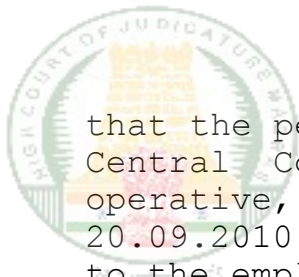
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records, pertaining to the reply Na.Ka.No.83004/2012.Nov 3, dated 08.10.2012 sent by the second respondent, and quash the same as illegal and thereby direct the respondents, to disburse Rs.2,500/- to the members of the petitioner association, by invoking the provisions of the G.O.No.132 Co-operative Food and Consumer Protection Department dated, 20.09.2010.

For Petitioner : Mr.F.X.Eugene
For Respondents : Mr.R.Sethuraman,
Special Government Pleader

ORDER

The writ petitioner is the retired Urban Bank Employees' Forum, in which the retired employees of the Co-operative Urban Bank are the members. The grievance of the writ petitioner Association is



that the pension scheme is extended to the employees of the District Central Co-operative Bank by the State in G.O.Ms.No.132, Co-operative, Food and Consumer Protection Department, dated 20.09.2010. Therefore, the very same pension scheme to be extended to the employees of the Co-operative Urban Banks also.

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2.The learned counsel appearing on behalf of the writ petitioner states that the members of the writ petitioner Association are small in numbers and they all retired employees of the various Co-operative Urban Banks in the State. When the Government has introduced pension scheme in respect of the employees of the Central Co-operative Banks, the same benefit ought to have been extended to the employees of the other Co-operative Societies including the Co-operative Urban Banks. However, the pension scheme was restricted to the employees of the District Central Co-operative Banks alone. Thus, a step motherly treatment was given to the members of the petitioner Association and therefore, they are constrained to move the present writ petition.

3.The learned Additional Government Pleader appearing on behalf of the respondents state that the members of the writ petitioner Association are the retired employees of the Co-operative Society and in respect of the Co-operative Urban Banks, the State cannot provide pension and in the event of considering this case, then every Co-operative Society including the Primary Society Employees' will claim the same and further it is a policy decision to be taken by the Government and the writ petitioner has no legal right to claim pension.

4.This Court is of an opinion that each co-operative Society is a separate entity. Each Co-operative Society is registered separately under the provisions of the Tamil Nadu Co-operative Societies Act. The by-laws and special by-laws are framed by the Management of the Society in respect of the service conditions of the employees. The special by-laws as approved by the Competent authorities alone can be applied in respect of the employees working in the co-operative society. Thus, there cannot be any unified pension scheme in respect of all the employees working in the various Co-operative Urban Banks. If at all the same is to be created, then it is for the State to consider these aspect and a policy decision is to be taken. However, the Court cannot direct the State to formulate the pension scheme in respect of the employees of the co-operative Societies.

5. The petitioner Association consist of the members, who were employed in the Co-operative Urban Banks. Thus, the formulation policy in respect of pension scheme are to be considered only by the Government. The Courts cannot issue any direction in respect of the formulation of any such pension scheme. Under these circumstances, this Court did not find any infirmity in respect of the rejection order passed by the respondents in this regard.



6.The writ petitioners have not established any legal rights so as to consider their claim for grant of pension or for creation of pension scheme in their favour.

7.Accordingly, the writ petition is devoid of merits and stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

1.The Secretary,
Government of Tamil Nadu,
Co-operative, Food and Consumer
Protection Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Registrar of Co-operative Societies,
No.170,Periyar EVR Road,
Kilpauk, Chennai-600 010.

+One cc to M/s.F.X.Eugene, Advocate, SR.No.55598

+One cc to The Special Government Pleader, SR.No.55995

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RL/5C/3P/CVC/SAR1/3/4/2018

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