



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2018

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WEB COPY

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAMW.P (MD) No. 2174 of 2013

N. Ramar

... Petitioner

Vs

The Special Officer,
A;1291 Mannavanur Primary Agriculture
Cooperative Credit Society,
Mannavanur,
Kodaikanal Taluk,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondent to pay the subsistence allowance to the petitioner as per the order passed in P.S.A.No.2 of 2011, dated 02.08.2012 on the file of the Authority Under Tamilnadu Payment of Subsistence Allowance Act (office of the Assistant Commissioner of Labour, Dindigul) by considering his representation, dated 07.08.2012 within the time stipulate by this Court.

For Petitioner :No appearance

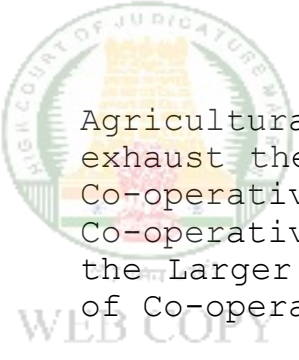
For Respondent :Mr.G.Murugan

ORDER

The grievance of the writ petitioner is that the subsistence allowance due to him has not been paid under the Tamilnadu Payment of Subsistence Allowance Act.

2.The learned counsel appearing on behalf of the respondent states that already a registered letter was sent to the writ petitioner stating that the petitioner shall approach the authorities in the Society and receive the subsistence allowance. In spite of the letter, the writ petitioner has not turned and therefore, the present writ petition is to be rejected.

3.Apart from the readiness and willingness shown by the respondent to pay the subsistence allowance, this Court is of an opinion that the writ petitioner is an employee of Co-operative Society and the respondent is the Special officer of the Primary



Agricultural Co-operative Society. Thus, the writ petitioner has to exhaust the remedy available under the provisions of the Tamil Nadu Co-operative Societies Act. No writ can be entertained against the Co-operative Societies in view of the legal principles settled by the Larger Bench of this Court in Marappan v. The Deputy Registrar of Co-operative Societies, Namakkal reported in 2006(4) CTC 689.

4. Accordingly, the writ petition stands dismissed as not maintainable. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

+One cc to M/s.R.Saravanan, Advocate, SR.No.50378

+One cc to M/s.J.Lawrance, Advocate, SR.No.50391

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