

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.40687 of 2005

K.Dhanapal

....Petitioner

--Vs--

The Management,
Nelvoy Primary Agricultural Co-operative Bank,
Nelvoy Post, via., Periapalayam
Tiruvallur District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus, to direct the respondent to pay the sum of Rs.1,37,875/- towards the arrears of the petitioner's subsistence allowance payable for the period 20.03.1997 to 15.01.2005.

For Petitioner : Mr.N.Nagusah

Respondents : Mr.T.Girija GA

J U D G M E N T

The relief sought for in the present writ petition is for a direction to direct the respondents to pay the sum of Rs.1,37,875/- towards the arrears of the petitioner's subsistence allowance payable for the period 20.03.1997 to 15.01.2005.

2. The petitioner states that he was employed as salesman at Paleswaram R.C.S.Ration shop functioning under the control of null and void Primary Agricultural Co-operative Bank. On account of certain allegations against the writ petitioner, disciplinary proceedings were initiated and the petitioner was placed under suspension.

3. The grievances of the writ petitioner is that the subsistence allowance as applicable has not been paid to the writ petitioner, during the relevant point of time. However, the writ petitioner being employed in a co-operative society, which is registered under the provisions of the Tamil Nadu Co-

operative Societies Act, this Court is of an opinion that the writ petition is not maintainable. A co-operative society registered under the Tamil Nadu Co-operative Societies Act is not a state within the meaning of Article 12 of the Constitution of India. The remedy lies to the employee under the provisions of the Tamil Nadu Co-operative Societies Act and more specifically a revision under Section 153 of the Act.

4. Thus, the petitioner has to exhaust the remedy provided under Section 153 of the Tamil Nadu Co-operative Societies Act and the said legal position is 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.

5. In view of the legal principle settled by the larger Bench of this Court, the present writ petition stands dismissed as not maintainable. It is left open to the writ petitioner to approach the competent authorities under Section 153 of the Tamil Nadu Co-Operative Societies Act, to redress his grievances in the manner known to law.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

The Management,
Nelvoy Primary Agricultural Co-operative Bank,
Nelvoy Post, via., Periapalayam
Tiruvallur District.

+1cc to Mr.N.Nagusah, Advocate Sr.8023

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srg 23/03/2019