

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :23.04.2019
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.11876 of 2019

Mr.J.Rajendran

..Petitioner

vs

The Principal Secretary to the
Government of Tamilnadu,
Food, Cooperation and
Consumer Protection Department
Secretariat, Fort Saint George,
Chennai - 600 009

.. Respondent

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus,
directing the respondent to consider the representation dated
14.12.2018 and their by disburse the Retirement and all other
Service and monetary benefits.

For Petitioner : M/s.S.Aparna

For Respondent : Mr.L.P.Shanmugasundaram
Special Government Pleader

O R D E R

The relief sought for in the present writ petition is for a
direction to direct the respondent to consider the
representation dated 14.12.2018 and their by disburse the
Retirement and all other Service and monetary benefits.

2.Admittedly, the writ petitioner was employed as Secretary
of Mey Mathur Primary Agricultural Cooperative Credit Society
limited, which is a Cooperative Society, registered under the
Tamil Nadu Cooperative Societies Act. The very same writ
petitioner earlier filed a writ petition in W.P.No.9033/2017
with the same prayer to settle the terminal benefits. This Court
passed an order on 07.07.2017, directing the writ petitioner to
exhaust the remedies provided under the Tamil Nadu Cooperative
Societies Act. The writ petitioner, without exhausting the
remedy by filing the appropriate Revision Petition before the
competent authority, has once again chosen to file the writ
petition to consider the representation.

3. Section 153 of the Tamil Nadu Cooperative Societies Act provides Revision to be filed for the redressal of grievances regarding the service matters. The employees of the cooperative societies are entitled to file a Revision Petition in the prescribed format by paying the fees prescribed in the Notification. The competent authority namely, the Joint Registrar is empowered to adjudicate the matter on merits by affording opportunity to all the parties concerned and pass orders on merits and in accordance with law.

4. This Court earlier directed the writ petitioner to approach the competent authorities for the purpose of redressal of his grievances. Instead of filing an appropriate Revision Petition under Section 153, the writ petitioner has simply submitted a representation to the 1st respondent/Principal Secretary to Government and filed a writ petition. Such representations cannot provide a cause of action for the purpose of filing a writ petition for a direction to direct the Principal Secretary to decide the matter on merits and in accordance with law. When the statute provides a remedy, the aggrieved persons are bound to exhaust the remedy by following the procedures as contemplated and in the manner prescribed in the statute. It is not as if, the employees of the cooperative society can directly submit a representation to the Principal Secretary, Food Corporation and Consumer Protection Department and file a writ petition seeking a direction to consider the representation and pass orders.

5. Such writ petitions deserve no consideration at all. It is a growing trend that the persons aggrieved are directly sending representations to the Government and simply filing a writ petition for a direction to consider such representation. Thousands of such representations are received by the Secretary to Government, who are holding a responsible position and it may not be practically possible for those authorities to consider and pass orders in all such representations, which all are sent without exhausting the statutory remedies available under the provisions of the Act. Even in the present case, the powers of the Registrar under Section 153 of the Act, has been delegated to the Regional Joint Registrars for the purpose of deciding the Revision Petitions filed under Section 153 of the Act. Such delegation of powers are granted in order to reduce the burdens of work to the higher officials and under these circumstances, if such representations are sent to the Secretary to Government, it would be difficult for the Principal Secretary to function and discharge his powers in the interest of public at large.

6. Even recently, the Hon'ble Supreme Court of India, in the case of The Government of India & Anr., vs. P.Venkatesh in Civil Appeal No.2425 of 2019 dated 01.03.2019 held as follows:

".....This 'dispose of the representation' mantra is increasingly permeating the judicial process in the High Courts and the Tribunals. Such orders may make for a quick or easy disposal of cases in overburdened adjudicatory institutions. But, they do no service to the cause of justice. The litigant is back again before the Court, as this case shows, having incurred attendant costs and suffered delays of the legal process. This would have been obviated by calling for a counter in the first instance, thereby resulting in finality to the dispute."

7. This being the principles to be followed, this Court cannot issue direction in a routine manner, so as to direct the Principal Secretary to Government to consider the representation and pass orders. As far as the present writ petition is concerned, the writ petitioner has not chosen to exhaust the statutory remedies based on the earlier orders passed in the writ petition filed by him. Thus, filing of repeated writ petitions in this manner can never be encouraged by the Courts and accordingly, the present writ petition was filed without exhausting the statutory remedy cannot be entertained at all. This apart, the writ petitioner was an employee of a cooperative society and the cooperative society is not a "State" within the meaning of Article 12 of the Constitution of India and therefore, the writ petitioner is bound to exhaust the statutory remedy provided under the Act. Thus, the writ petitioner is at liberty to approach the competent authorities by filing appropriate application under the provisions of the Act for the purpose of redressing his grievances.

8. With these observations, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

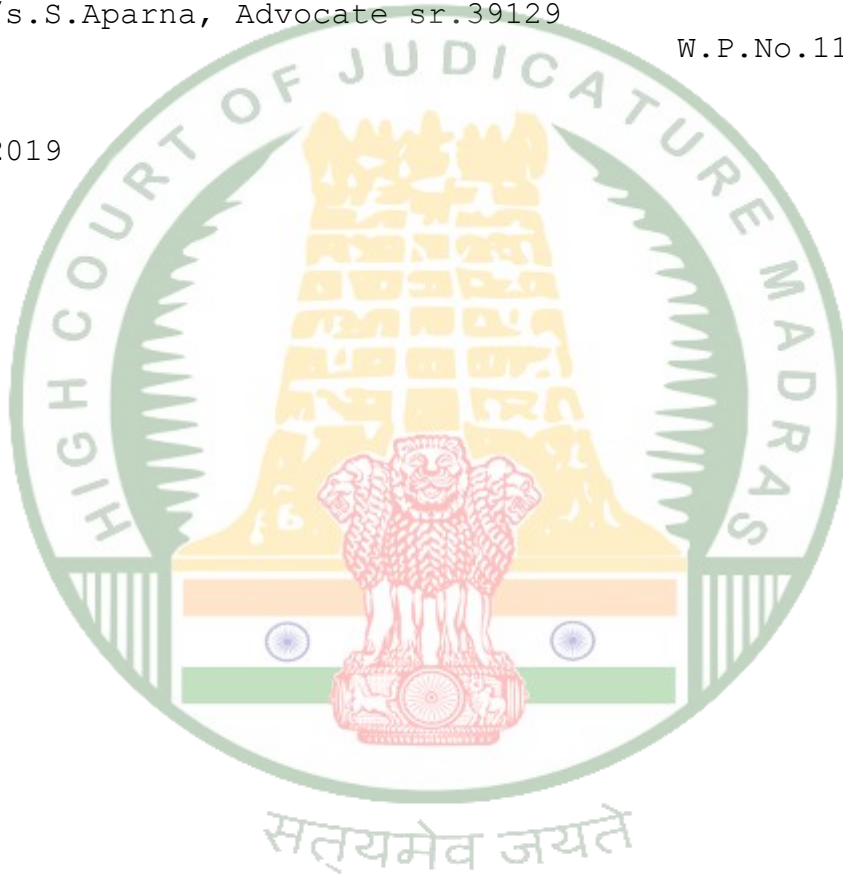
The Principal Secretary to the
Government of Tamilnadu,
Food, Cooperation and
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Secretariat, Fort Saint George,
Chennai - 600 009

+lcc to Special Government Pleader sr.39365

+lcc to M/s.S.Aparna, Advocate sr.39129

W.P.No.11876 of 2019

rsi(co)
nr 26/06/2019



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