

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 14-03-2019

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

W.P.No.22208 of 2018
And
W.M.P.Nos.26024 and 26025 of 2018

K.Shanmugam

.. Petitioner

- Vs. -

1.The Director,
Milk Production and Dairy Development Department,
Madhavaram Milk Colony,
Madhavaram,
Chennai-600 51.

2.The General Manager,
Villupuram-Cuddalore District Co-operative
Milk Producers Union Ltd.,
Villupuram.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the second respondent in Na.Ka.No.58/Pa.A1/2015 dated 18.1.2018, quash the same and consequently, directing the respondents to pay the Encashment of Earned Leave Salary of Rs.1,56,835/- along with interest from the date of retirement as well as the interest for the belated payment of Encashment of Earned Leave salary made in January 2018 from the date of retirement.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.L.P.Shanmugasundaram,
Special Government Pleader (Co.op).

O R D E R

The order passed by the second respondent in proceedings dated 18.1.2018 is under challenge in the present writ petition.

2. The second respondent-Society is a registered Society under the provisions of the Tamil Nadu Co-operative Societies Act, 1983. Thus, the second respondent is not a State within the meaning of Article 12 of the Constitution of India.

3. The writ petitioner, being an employee of a Co-operative Society has to exhaust the remedy provided under the Tamil Nadu Co-operative Societies Act, 1983, more specifically, a revision is provided under Section 153 of the Act.

4. The first respondent is the functional registrar notified under the Tamil Nadu Co-operative Societies Act, 1983 itself.

5. Thus, the writ petitioner has to prefer a revision petition before the first respondent for the redressal of his grievances in the manner prescribed under the Tamil Nadu Co-operative Societies Act, 1983.

6. Under these circumstances, the writ petitioner is at liberty to approach the competent authority under the Tamil Nadu Co-operative Societies Act, 1983 for the redressal of his grievances in respect of the impugned order passed by the second respondent dated 18.1.2018.

7. Thus, the writ petition is devoid of merits and the writ petition stands dismissed as not maintainable. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(CS iii)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

Svn

To

1.The Director,
Milk Production and Dairy Development Department,
Madhavaram Milk Colony,
Madhavaram,Chennai-600 51.

+1cc to Mr.G.Sankaran , Advocate SR.No. 24996

+1cc to Mr.L.P.Shanmugasundaram,Advocate SR.No. 24625

+1 cc to Government Pleader SR.NO. 25094

WP.No.22208 of 2018

A.SK(03/04/2019)