

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32175 of 2019

1 T.Malligeswaran ... Petitioner

Vs

1 The Joint Registrar of Co-op. Societies,
Dharmapuri Region,
Dharmapuri District.

2 The Management of DD 92,
Chickampatti Primary Agricultural
Co operative Credit Society,
Rep. By its President,
Chickampatti, V. Muttapatti Post,
Bommudi Via,
Dharmapuri District ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus Directing the 1st Respondent to pass Appropriate orders on the representation dated 12.10.2019 made by the petitioner herein for disbursing the withhold terminal benefits by the 2nd Respondent society within stipulated time period.

For Petitioner : Mr.T.Sundaravadnam

For Respondents : Mr.L.P.Shanmugasundaram,
Spl.G.P. for Cooperative.

ORDER

1.The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus to direct the 1st Respondent to pass Appropriate orders on the representation dated 12.10.2019, made by the petitioner herein for disbursing the withhold terminal benefits by the 2nd Respondent society within stipulated time period.

2. Heard the learned counsel appearing for the petitioner and the learned Government Special Pleader appearing for the respondents.

3. According to the petitioner, he was appointed as salesman in Madhemangalam Ration Shop by the Tamil Nadu Civil Supplies Corporation in the year 1984 and thereafter, promoted as clerk in the year 1999 and thereafter the petitioner attained the age of superannuation on 30.06.2012. The grievance of the petitioner is that he has not been paid a salary towards his service, discharged as Secretary in-charge from 01.08.2012 to 30.11.2012 and also not settled the terminal benefit, due and payable to him. He made a representation dated 12.10.2019 to the first respondent, however there was no reply. Hence, the petitioner is come forward with the present writ petition.

4. In fact on an earlier occasion, a similar writ petition has been moved by the petitioner in WP No.1899 /2015, which came to be dismissed vide its order dated 10.08.2017, by the following observations:

" 2.The writ petitioner was working in the second respondent co-operative society, which is not a State within the meaning of Article 12 of the Constitution of India. Thus, the writ against a Co-operative Society cannot be entertained under Article 226 of the Constitution of India, in view of the Legal Principles laid down by the Larger bench of this Court in K.Marappan and Ors. Vs. the Deputy Registrar of Co-operative Societies reported in 2006(4) CTC 689, held that no writ will lie against a Co-operative Society. it is for the writ petitioner to work out his remedy under the provisions of Tamilnadu Co-operative Societies Act, 1983. In view of the precedent stated supra, this Court is not inclined to consider the grounds raised in this writ petition.

3. Accordingly, this writ petition shall stand dismissed as not maintainable. However, no order as to costs. "

5. Following on the above observations, this Court is of the view that the present writ petition is also not maintainable. It is to be noted that there has been enormous delay in making the claims by the petitioner for payment of daily wages pertaining to the year 2012. Thereafter, even on this ground also the writ petition is liable to be dismissed.

6. Accordingly this writ petition stands dismissed. No costs. However, the respondents are directed to settle the terminal benefits, due and payable to the petitioner if any within a period of 12 weeks from the date of receipt of copy of this order.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

jrs

To

1 The Joint Registrar of Co-op. Societies,
Dharmapuri Region,
Dharmapuri District.

2 The Management of DD 92,
Chickampatti Primary Agricultural
Co operative Credit Society,
Rep. By its President,
Chickampatti, V. Muttapatti Post,
Bommudi Via, Dharmapuri District.

+1cc to Mr.T.Sundaravadanam, Advocate, SR.No.95789.

+1cc to Mr.L.P.Shanmugasundaram, Advocate, SR.No.95761.

+1cc to Government Pleader (CO. OP.,) SR.No.96038.

W.P.No.32175/2019

PVS (CO)
CSR (31/12/2019)

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