

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :02.04.2019

CORAM

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

W.P.No.33591 of 2018
and
W.M.P.No.38976 of 2018

S.Rajendran

..Petitioner

vs

1. The Deputy Registrar of Cooperative Societies
Office of the Deputy Registrar of Cooperative Societies
Perambalur region, Perambalur.
2. R-1348, Sillakudi Primary Agricultural Cooperative Credit
Society
Represented by its Secretary (In-charge)/President,
Sillakudi Post,
Alathur Taluk, Perambalur District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus,
directing the 1st respondent to consider the petition filed by
the petitioner under Section 90 of the Tamil Nadu Cooperative
Societies Act dated 08.09.2018.

For Petitioner : Mr.G.Ilamurugu

For Respondents : Mr.R.BalaRamesh
Special Government Pleader
(Cooperatives) for R1

O R D E R

The relief sought for in the present writ petition is for a
direction to direct the 1st respondent to consider the petition
filed by the petitioner under Section 90 of the Tamil Nadu
Cooperative Societies Act dated 08.09.2018.

2.The learned counsel for the writ petitioner states that
the writ petitioner, on acquittal from the criminal case, made
a representation to pay the service benefits.

3.The grievances of the writ petitioner is that even after an order of acquittal passed by the competent Criminal Court of Law, the service benefits due to the writ petitioner are yet to be settled. However, the writ petitioner filed a Suit under Section 90 of the Tamil Nadu Cooperative Societies Act. A Suit under Section 90 of the Tamil Nadu Cooperative Societies Act can be entertained, "If any dispute touching the constitution of the board or the management or the business of a registered society (other than a dispute regarding disciplinary action taken by the competent authority constituted under sub-section (3) of section 75 or the Registrar or the society or its board against a paid servant of the society".

4.Thus, in respect of the disciplinary proceedings and service matters of the employees of a Cooperative Society, the aggrieved employees are bound to approach the competent authority under Section 153 of the Tamil Nadu Cooperative Societies Act. The Regional Joint Registrars are notified as competent authorities to entertain a Revision Petition under Section 153 of the Tamil Nadu Cooperative Societies Act. As far as Section 90 disputes are concerned, the Deputy Registrars of a Cooperative Societies are notified as competent authorities.

5.In view of the provisions, the writ petitioner has to approach the competent authority under Section 153 of the Tamil Nadu Cooperative Societies Act, by filing the Revision Petition in a prescribed format and by paying the necessary fees. This being the procedures as contemplated under the Statute, the present relief to consider the dispute filed before the Deputy Registrar of the Tamil Nadu Cooperative Societies Act under Section 90 cannot be considered at all. However, the writ petitioner is at liberty to approach the competent authority under the provisions of the Tamil Nadu Cooperative Societies Act for the purpose of redressal his grievances in the manner prescribed.

6.With these observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Deputy Registrar of Cooperative Societies
Office of the Deputy Registrar of Cooperative Societies
Perambalur region, Perambalur.

+1 cc to Mr.G.Ilamurugu, Advocate, S.R.No.31777

W.P.No.33591 of 2018

SPD (CO)
SSM(03/05/2019) .



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