



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2019

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.20776 of 2013

V.Gandhimathi

... Petitioner

-Vs-

1.The Joint Registrar of Co-operative Societies,
Tanjore Region, Tanjore, Tanjore District.

2.The Joint Registrar of Co-operative Societies,
Tiruvarur Region, Tiruvarur,
Tiruvarur District.

3.The Special Officer / Joint Registrar,
(Now Chairman),
Tanjore District Central Co-operative Bank,
Tanjore.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to disburse the entire terminal benefits to the petitioner.

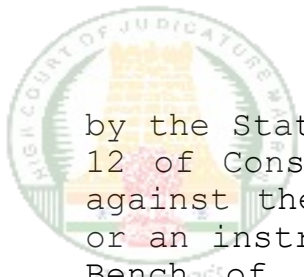
For Petitioner	: Mr.C.Prakasam
For R1 and R2	: Mr.D.Muruganantham, Additional Government Pleader.
For R3	: Mr.K.Jayaraman

ORDER

The writ petitioner was appointed as Assistant in the third respondent Co-operative Bank and was promoted as Assistant Manager. The writ petitioner has reached the age of superannuation and retired from service on 30.06.2010.

2.The grievance of the writ petitioner is that terminal benefits due to him are yet to be settled. Thus, the writ petitioner is constrained to move the present Writ Petition.

3.Admittedly, the writ petitioner is an employee of Co-operative Society, which is registered under the provisions of the Tamil Nadu Co-operative Societies Act, 1983 (hereinafter referred to as 'the Act'). The Co-operative Society is not funded



by the State. Thus, it is not a State within the meaning of Article 12 of Constitution of India. No Writ Petition can be entertained against the co-operative society, which is not funded by the State or an instrumentality of the State as per the judgment of the Larger Bench of this Court in the case of K.Marappan Vs. The Deputy Registrar of Co-operative Societies and another reported in 2006 (4) CTC 689. Thus, the writ petitioner has to exhaust the alternative remedy provided under the provisions of the Act. A revision petition is contemplated under Section 153 of the Act.

4.Under these circumstances, the writ petitioner is at liberty to approach the competent authority by filing a revision petition in a prescribed format by paying necessary fee for the purpose of redressal of his grievance. If at all any revision petition has already been filed by the writ petitioner, the competent authorities shall conduct an enquiry and pass orders as expeditiously as possible.

5.Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1.The Joint Registrar of Co-operative Societies,
Tanjore Region, Tanjore, Tanjore District.

2.The Joint Registrar of Co-operative Societies,
Tiruvarur Region, Tiruvarur,
Tiruvarur District.

+1 CC to M/s.K.JAYARAMAN, Advocate (SR-84302[F] dated 29/08/2019)

+1 CC to M/s.SPL GP (SR-84511[F] dated 30/08/2019)

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MS/16.09.2019/2P.5C