



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P. (MD) No.13803 of 2019

M.Subburayan

... Petitioner

Vs.

1. The Joint Registrar of Co-operative Societies,
Additional Building District Collectorate Complex,
Thanthonimalai,
Karur District.

2. The Deputy Registrar of Co-operative Societies,
No.149, Anna Nagar Main Road,
Thanthonimalai,
Karur District.

3. The President,
R-1598, Thalavapalayam Primary Agricultural
Co-operative Credit Societies,
Thalavapalayam Post,
Manmangalam Taluk,
Karur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the order passed by the third respondent in Na.Ka.No.1/2019, dated 17.05.2019, quash the same and consequently, direct the third respondent to pay the terminal benefits and other monetary benefits together with interest to the petitioner, within a time frame to be fixed by this Court.

For Petitioner : Mr.I.Suthakaran

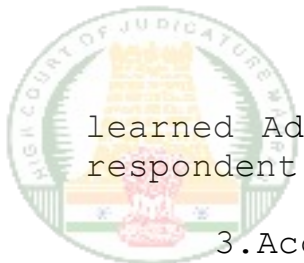
For R1 and R2 : Mr.Aayiram K.Selvakumar
Additional Government Pleader

For R3 : Mr.K.M.Muthu
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking to quash the order passed by the third respondent in Na.Ka.No.1/2019, dated 17.05.2019, and consequently, direct the third respondent to pay the terminal benefits and other monetary benefits together with interest to the petitioner, within a time frame to be fixed by this Court.

<https://hcservices.ecourts.gov.in/hcservices/>
Mr.Aayiram K.Selvakumar, learned Additional Government Pleader takes notice for the respondents 1 and 2. Mr.K.M.Muthu,



learned Additional Government Pleader takes notice for the third respondent.

3. According to the petitioner, he joined as a Salesman on 22.09.1975 in the third respondent Co-operative Society and attained the age of superannuation on 30.06.2013. He was served with a charge memo dated 22.04.2013 and it was ended in dismissal of his service, by order dated 03.10.2018. Further, there is no surcharge proceedings against him and as on today Rs.7,71,824/- is payable to him towards the retirement benefits. Hence, the petitioner has sent a representation dated 24.01.2019 to settle the retirement benefits to him. The said representation was not considered by the respondents and hence, the petitioner filed W.P.(MD)No.4079 of 2019 and the same was disposed of on 22.02.2019 and thereafter, the petitioner's representation was considered and rejected by the impugned order dated 17.05.2019. Challenging the said order, the present Writ Petition has been filed.

4. The learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that no writ petition can be entertained against the Co-operative Society, in view of the legal principles settled by the Larger Bench of this Court in the case of **K.Marappan Vs. The Deputy Registrar of Co-operative Societies and others** reported in **2006 (4) LW 495 : 2006 (4) MLJ 641**.

5. In view of the above, the remedy to the employees of the Co-operative Societies lies before the competent authorities under the Act itself. Without exhausting the said remedy, the petitioner has straightaway approached this Court by way of filing this Writ Petition. Under such circumstances, it is left open to the writ petitioner to approach the competent authority under the provisions of the Tamil Nadu Co-operative Societies Act, for redressal of his grievance. Accordingly, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

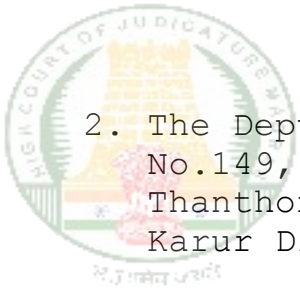
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Sub Assistant Registrar(CS)

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To

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Co-operative Credit Societies,
Thalavapalayam Post,
Manmangalam Taluk, Karur District.

+1cc to M/S. I.SUTHAKARAN, ADVOCATE, Sr.No.70014

+1cc to M/S SPECIAL GOVERNMENT PLEADER, Sr.No.70681

W.P.(MD)No.13803 of 2019

BUC(02/07/2019)3P/6C