



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2019

CORAM

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

W.P. (MD) No.22793 of 2015

WEB COPY

S.Michael

... Petitioner

-Vs-

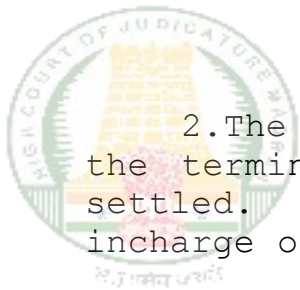
1. The Joint Registrar of Co-operative Societies,
Sivaganga,
Sivaganga District.
 2. The Deputy Registrar of Co-operative Societies,
Sivaganga,
Sivaganga District.
 3. The President,
Ilayankudi Co-operative Societies (DR(L) RMD No.2,)
Sivagangai District.
 4. The Secretary,
Ilayankudi Co-operative Societies (DR(L) RMD No.2,)
Sivagangai District.
- ... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents herein to consider the representation of the petitioner dated 05.11.2014 and to pay Rs.4,75,409/- (Rupees four lakhs seventy five thousand four hundred none only) towards balance provident fund of Rs.3,59,489/- and Rs.1,15,920/- towards balance of arrears of pay in the post of Secretary (incharge) together with minimum interest at 6% p.a., from the date of retirement of the petitioner on 01.05.2008, within a reasonable time as may be fixed by this Court.

For Petitioner : Mr.V.S.Kumaraguru
For Respondent 1 & 2 : Mr.M.Jeyakumar, AGP
For Respondent 3 & 4 : No Appearance

ORDER

The relief sought for in the present writ petition is to direct the respondents to consider the representation of the petitioner dated 05.11.2014 and to pay Rs.4,75,409/- (Rupees four lakhs seventy five thousand four hundred none only) towards balance Provident Fund of Rs.3,59,489/- and Rs.1,15,920/- towards balance of arrears of pay in the post of Secretary (incharge) together with minimum interest at 6% p.a., from the date of retirement of the petitioner on 01.05.2008.



2.The learned counsel appearing for the petitioner states that the terminal benefits due to the writ petitioner is yet to be settled. The writ petitioner was holding the post of Secretary incharge of the 4th respondent Co-operative Society.

3.This Court is of the considered opinion that a Co-operative Society registered under the provision of the Tamil Nadu Co-operative Societies Act, 1983, is not a "State" within the meaning of Article 12 of Constitution of India. Thus, writ proceedings cannot be entertained, Employees of the Co-operative Societies are bound to exhaust the alternate remedy provided under the Act itself. Without exhausting the remedy, no writ proceedings can be entertained against the Co-operative Societies. Legal principles in this regard are settled by the Larger Bench of the High Court of Madras in **Marappan K. v. The Deputy Registrar of Co-operative Societies, Namakkal**, reported in **[2006(4) CTC 689]**.

4.This being the factum, this court is of the opinion that the writ petitioner has to approach the competent authority under Section 153 of Tamil Nadu Co-operative Societies Act, by filing a revision petition in a prescribed format and by paying the required fees. Thus, the petitioner is at liberty to approach the authorities for the purpose of redressal of his grievance if at all the same exists as of now.

5.With this observation, this writ petition is dismissed as not maintainable. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

Arul

To

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

2. The Deputy Registrar of Co-operative Societies,
Sivaganga, Sivaganga District.

+ 1 CC TO Mr.V.S.Kumaraguru, ADVOCATE IN SR No.72127

+ 1 CC to The Special Government Pleader SR.No.72456

Order made in

W.P. (MD) No.22793 of 2015