



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

WP(MD).No.16710 of 2019 and

WMP(MD).Nos.13319 and 13320 of 2019

M.Maheswari

: Petitioner

Vs.

1.The Assistant Commissioner of Labour,
Authority under the Industrial Establishment,
Conferment of Permanent Status
Workmen's Act, Dindigul.

2.DD 540 Kottanahtam Primary Agricultural
Cooperative Credit Society,
Rep. through the President,
Kottanatham, Dindigul District.

: Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus directing the 2nd respondent to continue to pay the scale of pay fixed to the petitioner at the rate of Rs.4375-9950, as per the resolution dated 03.03.2018 passed in the Board Meeting and ratified in the General Body Meeting, dated 07.03.2018 passing a resolution by majority of the members of the society, by considering the representation of the petitioner dated 05.05.2018.

For Petitioner

: Mr.S. Arivalagan

For Respondents

: Aaiyram K. Selvakumar
Government Advocate

ORDER

This Writ Petition has been filed for issuing a direction to the 2nd respondent to continue to pay the scale of pay fixed to the petitioner at the rate of Rs.4375-9950 as per the resolution, dated 03.03.2018 passed in the Board Meeting and ratified in the General Body Meeting, dated 07.03.2018 passing a resolution by majority of the members of the society, by considering her representation, dated 05.05.2018.



2. According to the petitioner, she joined into the service of 2nd respondent as Jewel Appraiser on Commission basis, as per the resolution, dated 01.09.2009. Subsequently, the 2nd respondent has confirmed her service as Clerk with effect from 02.01.2018, based on the order passed by the 1st respondent, dated 22.02.2018, by fixing the Scale of Pay eligible to the said post, as per the settlement concluded u/s. 12(3) of Industrial Disputes Act, dated 04.03.2014. Thereafter, the 2nd respondent has altered the wages received by the petitioner, without issuing show cause notice to her. Hence, the petitioner has sent a representation, dated 05.05.2018 to the respondents, but, the same has not been considered by them so far. In such circumstances, the petitioner has filed the present Writ Petition before this Court.

3. The learned Additional Government Pleader appearing for the respondents would submit that if the petitioner is having any grievance, he has to approach the authority concerned as per the Co-operative Societies Act and hence, this Writ Petition is not maintainable and the same is liable to be dismissed.

4. I have heard the learned counsel appearing on either side and perused the materials available on record.

5. The present Writ Petition is filed against the Co-operative Society. As per the Judgment reported in **2006(4) CTC 689 (K. Marappan Vs. Deputy Registrar, Co-operative Societies)**, the Writ Petition against co-operative Society is not maintainable.

6. In the result the Writ Petition is dismissed. It is open to the petitioner to approach the authorities concerned as per the Tamil Nadu Co-operative Societies Act. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

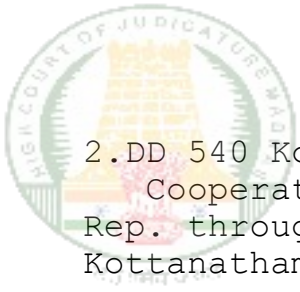
Assistant Registrar

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Sub Assistant Registrar(CS)

To

1.The Assistant Commissioner of Labour,
Authority under the Industrial Establishment,
Conferment of Permanent Status
Workmen's Act, Dindigul.



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Cooperative Credit Society,
Rep. through the President,
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+1 CC to M/s.S.ARIVALAGAN, Advocate SR-78579.

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CS(25.09.2019) 3P 5C