



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

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W.P. (MD) .No.156 of 2014

and

M.P. (MD) Nos.1 and 2 of 2014

and

W.M.P. (MD) .No.8515 of 2016

T.Irudhayam

... Petitioner

-Vs-

1. The Registrar of Co-operative Society,
170 EVR Periyar Main Road,
NVN Building, Kilpauk, Chennai.
 2. The Joint Director of Co-operative Society,
Government Office Complex, Kajamalai, Trichy-20.
 3. The Deputy Registrar of Co-operative Society,
Government Office Complex,
Kajamalai, Trichy-20.
 4. The President,
MM 362, Primary Agricultural Co-operative Credit Society,
Pudupatti Post, Mannapparai,
Trichy-621 315.
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 4.11.2013 in Na.Ka.3546/2013 Sa.Pa passed by the respondent No.3 and Quash the same as illegal and direct the respondent No.3 to settle the petitioner's retirement benefits without any further delay.

For Petitioner : Mr.Chamundi Bose
M/s.Kara Associates

For Respondents : Mr.K.Mu.Muthu
Additional Government Pleader
(for R1 to R3)

Mr.D.Muruganandham
Additional Government Pleader
(for R4)

**ORDER**

The order impugned, dated 04.11.2013 was issued by the Deputy Registrar of Co-operative Society, in respect of the pay anomaly dispute raised by the writ petitioner.

2.The learned counsel for the writ petitioner states that the writ petitioner was employed as the Secretary of 4th respondent Primary Agricultural Co-operative Credit Society. The fourth respondent Society is not a State within the meaning of Article 12 of the Constitution of India. However, this Court on an earlier occasion in W.P.(MD).No.13809 of 2013, dated 02.09.2013 issued a direction to direct the respondent to consider the representation and pass orders. Pursuant to the said direction, the Deputy Registrar of Co-operative Society passed an order in proceeding dated 04.11.2013.

3.The learned counsel for the writ petitioner states that the Deputy Registrar has not conducted any enquiry by affording an opportunity to the writ petitioner to putforth his case, with reference to the documents available. Based on the representation, the impugned order has been passed. In fact, the dispute in relation to pay anomaly are to be settled by conducting an enquiry and by verification of the service records and other documents are available, such exercise should not be done by the Deputy Registrar and in fact, in respect of the service dispute, the issue sought to be adjudicated by the Regional Joint Registrar of Co-operative Society under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983. The power of the Registrar are delicate to Regional Joint Registrar to adjudicate the grievance regarding the service dispute of the employees of the co-operative societies.

4.This being the position, the writ petitioner is at liberty to approach the competent authority viz., the Regional Joint Registrar by filing a revision petition under Section 153 of the Act in the prescribed format by paying the necessary fees. In the event of filing any such writ petition under the provision of the Act, then the competent authorities are bound to conduct an enquiry by following the procedure contemplated, take a decision and pass orders on merits and in accordance with law, after affording an opportunity to all the parties concerned.

5.This being the procedures to be followed, the writ petitioner is at liberty to submit a proper application under Section 153 of the Act, without any undue delay for the redressal of their grievances.

<https://hcservices.ecourts.gov.in/hcservices/>

6.With the above direction, this Writ Petition stands



disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

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// True Copy //

Sd/-

Assistant Registrar

Sub Assistant Registrar(CS)

To

1. The Registrar of Co-operative Society,
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NVN Building, Kilpauk, Chennai.
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 4. The President,
MM 362, Primary Agricultural Co-operative Credit Society,
Pudupatti Post, Mannapparai,
Trichy-621 315.
- +1 CC to Mr.CHAMUNDI BOSE, Advocate (SR-75657[F] dated 17/07/2019)
- +1 CC to Special Government Pleader (SR-75983[F] dated 18/07/2019)

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