

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 23.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM**W.P. (MD) No.15638 of 2014**

WEB COPY

K.Kousalya

... Petitioner

Vs.

1.The Registrar,
Co-operative Societies,
Chennai.

2.The Deputy Registrar,
Co-operative Societies,
Lalgudi Region,
Trichy District.

3.The Joint Registrar,
Co-Operative Societies,
Trichy District.

4.The President,
Primary Agricultural Co-operative Debt Society,
No.R.1220, Poovalur,
Lalgudi Taluk,
Trichy District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to disburse the enhanced salary for the post of Senior Assistant to the petitioner as per the agreement reached before the Assistant Commissioner of Labour, Trichy on 03.03.2014 by considering the representation of the petitioner dated 06.08.2014.

For Petitioner	: Mr.S.Siva Thilakar
For R1 to R3	: Mr.K.Mu.Muthu Additional Government Pleader
For R4	: Mr.D.Shanmugaraja Sethupathi

ORDER

The relief sought for in the present writ petition is for a direction to direct the respondents to disburse the enhanced salary for the post of Senior Assistant.

2.First of all, the writ petitioner is working in the fourth respondent Primary Agricultural Co-operative Debt Society, which is a registered Society under the provisions of the Tamil Nadu Co-operative Societies Act. Thus, the writ petitioner being an employee of the Co-operative Society is bound to exhaust the statutory remedy



provided under the Act itself. Without exhausting the remedy, no writ petition can be entertained, as the Co-operative Society is not a "State" within the meaning of Article 12 of the Constitution of India.

3. This apart, the learned counsel appearing for the fourth respondent states that there is no adequate funds available in the fourth respondent Society to settle the arrears of salary and this apart, the eligibility of the writ petitioner itself is to be adjudicated before the competent authority.

4. This Court is of the considered opinion that for enforcing the agreement, the writ petitioner has to approach the competent authority under Section 153 of the Tamil Nadu Co-operative Societies Act, by filing a revision petition in the prescribed format and by paying the required fees. Such an adjudication cannot be undertaken in a writ proceeding under Article 226 of the Constitution of India. The disputed facts and issues sought to be adjudicated by verifying the original documents and by adducing evidence is required. This being the nature of the process is to be conducted, this Court cannot come to the conclusion that whether the writ petitioner is eligible for enhancement salary or not and this apart, the relief is sought for against the Co-operative Society and therefore, the writ petition cannot be entertained. Accordingly, this writ petition stands dismissed. No costs. However, the writ petitioner is at liberty to approach the competent authority in the manner known to law.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Registrar,
Co-operative Societies,
Chennai.
2. The Deputy Registrar,
Co-operative Societies,
Lalgudi Region,
Trichy District.
3. The Joint Registrar,
Co-Operative Societies,
Trichy District.



+1 CC to SPL GP (SR-77268[F] dated 24/07/2019)
+1 CC to Mr.S.SIVA THILAKAR, Advocate (SR-77355[F] dated
24/07/2019)

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