



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2019

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.16639 of 2014

WEB COPY

S.Ravichandran

... Petitioner

Vs.

- 1.The President,
R.193, Mangalam Primary Agricultural
Co-operative Credit Society Ltd.,
Mangalam Post,
Musiri Taluk, Trichy District.
- 2.The Registrar,
Co-operative Society,
170, Periyar E.V.Ra.Nedunsalai,
Keelpauk, Chennai-600 10.
- 3.Joint Registrar of Co-operative Society,
Multiple Office Building,
Kajamalai, Trichy.
- 4.Deputy Registrar of Co-operative Society,
College Road,
Vadugapatty,
Musiri Zone,
Trichy District.

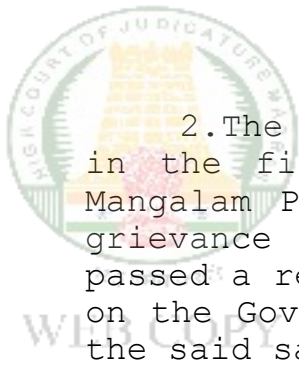
... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, direct the respondents to re fix the petitioner's retirement benefits based on the resolution dated 09.02.2012 and consequently, direct the respondents to disburse the arrears of salary with effect from 01.08.2010.

For Petitioner : Mr.K.Sivabalan
For Respondents : Mr.D.Muruganantham
Additional Government Pleader

ORDER

The relief sought for in the present writ petition is for a direction to direct the respondent to re fix the retirement benefits of the writ petitioner based on the resolution dated 09.02.2012 and consequently, direct the respondent to disburse the arrears of salary with effect from 01.08.2010.



2.The writ petitioner was appointed as salesman on 01.09.1998 in the first respondent Cooperative Society namely viz., R 193, Mangalam Primary Agricultural Co-operative Credit Society Ltd. The grievance of the writ petitioner is that though the management passed a resolution refixing the salary of the writ petitioner based on the Government Order issued in G.O.M.S. No 189, dated 17.09.2011, the said salary has not been paid to the writ petitioner.

3.The writ petitioner is an employee of the co-operative society registered under the provision of TamilNadu Co-operative Act 1983.The co-operative society which is not funded by the state or the instrumentality of the state is not a "State" within the meaning of Article 12 of the Constitution of India. Thus, no writ petition can be entertained directly and the employees of the cooperative societies have to exhaust the statutory remedy provided under the Co-operative Society Act itself. More specifically, under section 153 of the Society Act provides for a revision which is a statutory remedy available to the employees to redress their grievances. The revision is to be filed in a prescribed format by paying the fees prescribed. Thus only after exhausting the remedy, the writ petitioner can approach the higher authority or the Court of Law as the circumstances warrants. However at this juncture, the writ petition cannot be entertained for the purpose of directing the respondent to implement the resolution passed by the respondent or the Correspondent of the Co-operative Society.

4.Such resolution required an adjudication with reference to the Government Orders and the Rules in force. Such a disputed issues cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India. All such exercise to be done by verifying the original records and by adducing the evidence if required. This being the nature of the adjudication to be carried out in respect of all such issue, this court is of the opinion that the writ petitioner is at liberty to approach the competent authority under the provisions of the Act for redressal of his grievances. The legal position in this regard is also settled by the Larger Bench of this court, in the case of **Marappan vs Deputy Register of Co-operative society** reported in **2006 4CTC689**.

5.With the above observations, this writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)



To

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CS(09.09.2019) 3P 6C