



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.5787 of 2014

C.Thiyagarajan

... Petitioner

-Vs-

1.The Accounts Officer,
Employees Provident Fund Organisation,
Lady Doak College Road,
Madurai-625 002.

2.The Joint Registrar cum Special Officer,
R.K.10, Virudhunagar District Central
Co-operative Bank Limited,
Virudhunagar.

3.The General Manager,
R.K.10, Virudhunagar District Central
Co-operative Bank Limited,
Virudhunagar.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the third respondent herein to forward the petitioner's Employees Provident Fund claim in Form-10D along with enclosures and relevant records to the first respondent and settle the balance 10% of Employees Provident Fund to the petitioner herein and consequently, direct the first respondent to disburse the petitioner's pensionary benefits.

For Petitioner	: Mr.M.Padmavathy
For R1	: No Appearance
For R2	: Mr.D.Shanmuga Raja Sethupathi
For R3	: Mr.S.Dhayalan, Government Advocate.

ORDER

The relief sought for in the present Writ Petition is to direct the third respondent to forward the petitioner's Employees Provident Fund claim in Form-10D along with enclosures and relevant records to the first respondent and settle the balance 10% of Employees Provident Fund to the writ petitioner herein and consequently, direct the first respondent to disburse the petitioner's pensionary benefits.



2.The writ petitioner was working as Assistant Manager and on attaining the age of superannuation, retired from service on 31.01.2011.

3.The learned counsel appearing on behalf of the writ petitioner states that though there is no impediment for settlement of terminal and pensionary benefits, the same are yet to be settled in favour of the writ petitioner.

4.The learned counsel appearing on behalf of the second respondent states that the writ petitioner is not falling within the common cadre service and therefore, he has to approach the competent authorities for the purpose of settlement of his terminal benefits.

5.This Court is of the considered opinion that the third respondent / R.K.10, Virudhunagar District Central Co-operative Bank Limited is a Society registered under the Tamil Nadu Co-operative Societies Act (hereinafter referred as 'the Act'). There is no funding to the third respondent Bank. Thus, the third respondent is not a "State" within the meaning of Article 12 of the Constitution of India. Under these circumstances, the employee of the third respondent Co-operative Society has to exhaust the statutory remedy available under the provisions of the Act, even in any case. The Writ Petition can be entertained only after exhausting statutory remedy, if any available to the aggrieved person. Before exhausting the statutory remedy, no Writ can be entertained.

6.This being the principles to be followed, this Court of the considered opinion that the writ petitioner has to approach the competent authority under the provisions of the Act, more specifically, Section 153 of the Act contemplates that the revision is to be filed in the prescribed format by paying necessary fees.

7.This being the principles to be followed, the writ petitioner has to redress his grievance by approaching the competent authorities under the provisions of the Act.

8.With these observations, this Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar(AE)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Accounts Officer,
Employees Provident Fund Organisation,
Lady Doak College Road,
Madurai-625 002.



2.The Joint Registrar cum Special Officer,
R.K.10, Virudhunagar District Central
Co-operative Bank Limited,
Virudhunagar.

WEB COPY

3.The General Manager,
R.K.10, Virudhunagar District Central
Co-operative Bank Limited,
Virudhunagar.

+1 CC to M/s.M.PADMAVATHY, Advocate (SR-76128[F] dated 18/07/2019)

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-76223[F] dated
19/07/2019)

W.P (MD) No.5787 of 2014
18.07.2019

MYR
JM/29.07.2019/3P-6C