



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. (MD) No.7038 of 2014

and

M.P. (MD) No.2 of 2014

WEB COPY

S.Nallarasu

... Petitioner

vs.

1.The Deputy Registrar  
Co-operative Societies  
Cheranmadevi  
Tirunelveli District

2.The Primary Agricultural Co-operative Societies  
EE.428, Donavur-627 102  
Tirunelveli District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records relating to impugned order dated 13.07.2012 and quash the same and consequently direct the respondents to consider his request afresh grant back wages payable to him from 20.02.1988 to 25.04.2007.

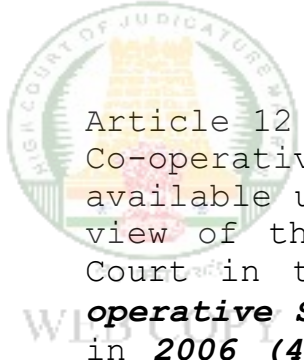
For Petitioner : Mr.S.Siva Thilakar  
For Respondents : Mr.D.Muruganandham  
Additional Government Pleader for R1  
Mr.D.Shanmugaraja Sethupathi for R2

### O R D E R

The order of rejection, dated 13.07.2012, passed by the second respondent, rejecting the claim of the writ petitioner for grant of arrears of salary, is under challenge in the present writ petition.

2. Admittedly, the writ petitioner was appointed as Salesman in the second respondent / Primary Agricultural Co-operative Society. The writ petitioner was placed under suspension on institution of departmental disciplinary proceedings. Subsequently, an order was passed exonerating the writ petitioner from all the allegations. Thus, the writ petitioner claims salary in respect of the period in which he was under suspension. The representation submitted by the writ petitioner, in this regard, was rejected by the Special Officer of the Co-operative Society.

3. A Co-operative Society, registered under the provisions of the Tamil Nadu Co-operative Societies Act, 1983 (hereinafter, referred to as "the Act"), is not a "State" within the meaning of



Article 12 of the Constitution of India. Thus, the employees of the Co-operative Societies are bound to exhaust the statutory remedy available under the Act. The writ petition cannot be entertained in view of the legal principles settled by the Larger Bench of this Court in the case of **K.Marappan vs. The Deputy Registrar of Co-operative Societies, Namakkal Circle, Namakkal and another**, reported in **2006 (4) CTC 689**. A revision is provided under Section 153 of the Act. The writ petitioner has to file a revision petition, if he has chosen to do so, in a prescribed format by paying the fees prescribed. In the event of submitting any such revision petition challenging the order passed by the Management of the Co-operative Society, the competent authority is bound to entertain the revision petition and conduct an enquiry by affording opportunities to all the parties and decide the case on merits and in accordance with law. This being the procedures to be followed, the writ petitioner is at liberty to approach the competent authority under the provisions of the act for the redressal of his grievances.

4. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS )

To

1. The Deputy Registrar  
Co-operative Societies  
Cheranmadevi  
Tirunelveli District
2. The Primary Agricultural Co-operative Societies  
EE.428, Donavur-627 102  
Tirunelveli District

+1 CC to Mr.S.SIVA THILAKAR, Advocate (SR-82394[F] dated 20/08/2019 )

+1 CC to Mr.D.SHANMUGHARAJA SETHUPATHI, Advocate ( SR-82582[F] dated 20/08/2019 )

**W.P. (MD) No.7038 of 2014**

**and**

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