



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.18208 of 2015

and

M.P. (MD)No.1 of 2015

K.L.Arumugam

... Petitioner

-Vs-

- 1.The Regional Commissioner,
Employees Provident Fund Organisation,
Regional Office, Pavishya Nithi Bhavan,
Lady Dock College Road,
Chokkikulam, Madurai-625 002.
- 2.The Joint Registrar of Co-operative Societies,
Office of the Joint Registrar of Co-operative Societies,
District Collector Office Campus,
Dindigul District.
- 3.The Secretary,
Boomparai A 1290 Primary Agricultural
Co-operative Bank,
Boomparai, Boomparai Post and Village,
Kodaikanal Taluk, Dindigul District.
- 4.The Special Officer,
Boomparai A 1290 Primary Agricultural
Co-operative Bank,
Boomparai, Boomparai Post and Village,
Kodaikanal Taluk, Dindigul District.

...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 respondent Nos.2 to 4 to pay the salary arrears of 36 months, gratuity, surrender salary and other retirement benefits to the petitioner within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani
For R1 : No Appearance
For R2 to R4 : Mr.S.Dhayalan,
Government Advocate.

ORDER

The present Writ Petition has been filed without exhausting the statutory remedy available in the provision of Tamil Nadu Co-operative Societies Act, 1983 (hereinafter referred to as 'the Act'). An employee of the Co-operative Society has to exhaust the



remedy provided under Section 153 of the Act. A co-operative Society registered under the Act is not a "State" within the meaning of Article 12 of the Constitution of India. Thus, no Writ Petition can be entertained before exhausting the statutory remedy contemplated under the Act.

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2.The legal principles in this regard are settled by the Larger Bench of this Court in the case of **K.Marappan Vs. The Deputy Registrar of Co-operative Societies and another** reported in **2006 (4) CTC 689**. Therefore, the writ petitioner is at liberty to file a revision petition under Section 153 of the Act before the competent authority in prescribed format by paying necessary fees for the purpose of redressing the grievance in the manner known to law.

3.With these observations, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Joint Registrar of Co-operative Societies,
Office of the Joint Registrar of Co-operative Societies,
District Collector Office Campus,
Dindigul District.

2.The Secretary,
Boomparai A 1290 Primary Agricultural
Co-operative Bank,
Boomparai, Boomparai Post and Village,
Kodaikanal Taluk, Dindigul District.

3.The Special Officer,
Boomparai A 1290 Primary Agricultural
Co-operative Bank,
Boomparai, Boomparai Post and Village,
Kodaikanal Taluk, Dindigul District.

+1 CC to M/s.SPL GP (SR-74757[F] dated 11/07/2019)

+1 CC to M/s.R.ALAGUMANI, Advocate (SR-74878[F] dated 11/07/2019)

W.P. (MD) No.18208 of 2015

10.07.2019

MYR

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