



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 03.06.2019

CORAM:

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

**W.P.(MD)No.19160 of 2013**

**and**

**M.P.(MD)No.1 of 2013 and M.P.(MD)No.1 of 2014**

WEB COPY

P.Ganapathy

... Petitioner

Vs

The Joint Registrar cum Managing Director,  
The Tirunelveli District Central  
Co-operative Bank Limited,  
Tirunelveli-627 003.

... Respondent

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned charge memo issued by the respondent in R.C.296/2003/E.5(2), dated 30.09.2013, quash the same and consequently direct the respondent to settle the retirement benefits due to the petitioner within a timeframe fixed by this Court.

For Petitioner : Mr.P.Kalaiyarasi Bharathi

For Respondent : Mr.D.Shanmugaraja Sethupathi

### **ORDER**

The charge memo issued by the respondent in R.C.296/2003/E.5 (2), dated 30.09.2013, is under challenge in the present writ petition.

2.The writ petitioner is a retired Assistant from the Tirunelveli District Central Co-operative Bank Limited, Tirunelveli, which is a Co-operative institution registered under the provisions of the Tamilnadu Co-operative Societies Act. A Co-operative Society which is not funded by the Government is not a "State" within the meaning of Article 12 of the Constitution of India.

3.Thus, no writ petition can be entertained. It is not as if the writ petitioner has no remedy at all. The provisions of the Tamilnadu Co-operative Societies Act provides an evident statutory remedy for the purpose of redressing the grievances of the employees of the co-operative societies. More specifically, Section 153 of



the Act provides revision, enabling the writ petitioner to file in a prescribed format by paying the necessary fees.

4. Thus, the writ petitioner has to approach the competent authority for the purpose of redressal of his grievances. The legal principles in this regard, to be maintained, have already been settled by the Hon'ble Larger Bench of this Court in the case of **Marappan Vs Deputy Registrar of Co-operative Society, Namakkal**, reported in **2006 (4) CTC 689**.

5. In all such cases, where an efficacious alternative remedy is prescribed under the statute, no writ can be entertained without exhausting the statutory remedy. This being the principles to be followed, the present writ petition deserves no consideration on merits and the writ petitioner is at liberty to approach the competent authority under the Act for the purpose of redressal of his grievances.

6. Accordingly, this writ petition is dismissed as not maintainable. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

Sub Assistant Registrar (CS)

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate ( SR-66799[F] dated 04/06/2019 )

+1 CC to M/s.P.KALAIYARASI BHARATHI, Advocate ( SR-66828[F] dated 04/06/2019 )

**W.P. (MD) No.19160 of 2013**  
**and**  
**M.P. (MD) No.1 of 2013 and**  
**M.P. (MD) No.1 of 2014**

03.06.2019

pnn

KK/SAR/17.06.2019/2P-3C