



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD).No.2900 of 2011

K.Kasirajan

... Petitioner

-Vs-

1.The Registrar of Co-operative Societies,
170, Periyar EVR Road, N.V.N.Maligai,
Kilpauk, Chennai 600 010.

2.The Special Officer,
Virudhunagar District Central Co-operative
Bank Ltd., 104/1, Madurai Road,
Virudhunagar 626 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing first respondent to take appropriate action against the second respondent for not implementing the direction of the first respondent in Rc.No.3000/2004/CBS.1; Dt:22.01.2004 as far as the petitioner is concerned and direct the second respondent to implement the same by paying the difference of salary accrued to the petitioner approximately Rs.1,22,000/-with interest at 12% per annum from 22.01.2004 till payment.

For Petitioner
For Respondents

: Mr.N.Sundareshan
: Mr.P.Mahendran
Additional Government Pleader (for R1)
Mr.D.Shanmuga Raja Sethupathi
(for R2)

ORDER

Relying on the Fitment table relates for General Manager in proceedings, dated 22.1.2004 by the Registrar of Co-operative Societies, the learned counsel for the petitioner states that the second respondent ought to have granted revision of pay to the petitioner. Admittedly, the petitioner retired from service in the year 2001. However, the order of registrar of Co-operative Societies relied on by the petitioner was issued on 22.01.2004, the said order is extended to the retired employees of the Co-operative Banks or not, is also not make clear. Admittedly, the petitioner retired from service in the year 2001 and therefore, the very

applicability of the circular issued by the Registrar of Co-operative Societies itself is to be established by the petitioner before the competent authorities. However, all such disputed facts and circumstances cannot be adjudicated in a writ proceedings. The petitioner was an employee of the Co-operative Bank, which is the society registered under the Co-operative Societies Act and Co-operative Society is not a State within the meaning of Article 12 of the Constitution of India. Thus, the petitioner has to exhaust his alternate remedy of revision provided under Section 153 of the Tamil Nadu Co-operative Societies Act. This apart, the petitioner retired from service in the year 2001 and circular was issued by the Registrar in the year 2004 and the present writ petition filed in the year 2011, after a lapse of about 10 years from the date of retirement. Thus, the Writ Petition is hit by the principles of laches and it is to be rejected. If at all the grievance exists to the writ petitioner, he is at liberty to approach the competent authority for redressal. Contrarily, present writ petition seeking revision of scale of pay and payment of arrears cannot be considered and accordingly, the Writ Petitions stands dismissed. No costs.

Sd/-

Assistant Registrar (AE)

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/ /2021

Sub Assistant Registrar(CS)

rmk

To

The Registrar of Co-operative Societies,
170, Periyar EVR Road, N.V.N.Maligai,
Kilpauk, Chennai 600 010.

+1cc to Mr.N.Sundareshan, Advocate Sr.No.26395
+1cc to SPL GP Sr.No. 26606

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VB (11.01.2021) 2P 4C