



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2020

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.1965 of 2013

WEB COPY

Ganesan

... Petitioner

Vs.

1.The Presiding Officer /
Deputy Commissioner of Labour,
(Appellate Authority, The Tamil Nadu
Shops and Establishment Act),
Palayamkottai,
Tirunelveli - 627 002.

2.The Management,
T.A.16 Veeravanallur Agricultural Co-operative Bank,
Veeravanallur,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent herein to permit the petitioner to rejoin his services without insisting for any sort of negative undertaking of forgoing the petitioner's lawful continuity of services and back wages as per the order dated 24.12.2011 of the 1st respondent herein in TNSE APPEAL No.18/2000 and as per law calculated from 14.11.2000 to the date of actual payment.

For Petitioner : Mr.P.Bhaskar

For R2 : Mr.K.R.Lakshman

O R D E R

The relief sought for in the present Writ Petition is to direct the 2nd respondent to permit the petitioner to rejoin his services without insisting for any sort of negative undertaking of forgoing the petitioner's lawful continuity of services and back wages, as per the order dated 24.12.2001 passed in TNSE Appeal No.18 of 2000.

2. The 2nd respondent is the Veeravanallur Agricultural Co-operative Bank, which is a Co-operative Society, registered under the provisions of the Tamil Nadu Co-operative Societies Act. The Writ Petition cannot be entertained against the Co-operative Society, which is not a 'State', within the meaning of Article 12 of the Constitution of India. Thus, the petitioner is bound to exhaust the alternate remedy provided under the provisions of the Tamil Nadu Co-operative Societies Act. The legal principles in this



regard are settled by the Larger Bench of the High Court of Madras in the case of **Marappan Vs. Deputy Registrar of Co-operative Societies** reported in **(2006 (4) CTC 689)**. Thus, even in case any grievance exists as of now, the writ petitioner has to approach the Competent Authority, under the provisions of Tamil Nadu Co-operative Societies Act.

3. With these liberty, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (P&A)

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/ /2021

Sub Assistant Registrar(CS)

MPK

To

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+1 CC to Mr.K.R.Laxman,Advocate,in SR.No.25875.

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(KG) CO

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