



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD).No.10541 of 2014

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P.Illamaran

... Petitioner

-Vs-

1.The Registrar of Co-operative Societies,
EVR Periyar High Road,
Kilpauk, Chennai.

2.The Deputy Registrar,
Co-operative Societies,
Aruppukkottai Town,
Virudhunagar District.

3.The Special Officer,
DR.(L) RMD.3.Thiruchuli,
Co-operative Primary Agricultural & Rural
Development Bank Ltd.,
@ M.Reddiapatti, Arupukkottai Taluk,
Virudhunagar District.

4.The President,
DR.(L)RMD 3.Thiruchuli,
Co-operative Primary Agricultural & Rural
Development Bank Ltd.,
@ M.Reddiapatti, Arupukkottai Taluk,
Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order passed in Na.Ka.No.79/2013/Ni.Va dated 25.04.2013 by the second respondent herein by confirming the order passed by the third respondent herein dated 30.01.2013 and quash the same and consequently, direct the respondent herein to pay the withheld EPF amount of Rs.2,00,000/- to the petitioner with interest from 30.04.2012.

For Petitioner : Mr.M.Thirunavukkarasu

For Respondents : Mr.D.Muruganandham
Additional Government Pleader
for R1 to R3
Mr.D.Shanmugaraja Sethupathi
for R4



ORDER

The order, dated 25.04.2013 passed by the second respondent Deputy Registrar of Co-operative Societies by confirming the order passed by the third respondent is under challenge in the present writ petition.

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2.The fourth respondent Co-operative Society is a registered Society under the Tamil Nadu Co-operative Societies Act, 1983. In view of the fact that, the fourth respondent Society is funded by the members of the society. It is not 'the State' within the meaning of under Article 12 of the Constitution of India. As far as the second respondent is concerned, the Deputy Registrar of Co-operative Societies is not empowered to deal with the service matter of employee of the Co-operative Society. As far as the grievance of the employees of the Co-operative Societies are concerned, if any order is passed by the Management of Co-operative Society, the competent authority notified under the Tamil Nadu Co-operative Societies Act, who is the Regional Joint Registrar and revision lies before him under Section 153 of the Tamil Nadu Co-operative Societies Act.

3.In the present case, the grievance of the writ petitioner is that, the terminal and pensionary benefits are yet to be disbursed. The learned counsel for the petitioner made a submission that the petitioner retired from service in the year 2012 and till today, he is unable to get his terminal benefits including the provident fund.

4.It is brought to the notice of this Court that by the learned counsel for the respondent Societies that a sum of Rs.2,00,000/- is withheld on account of the fact that the petitioner caused the financial lose to the Co-operative Societies to the tune of Rs.2,00,000/-.

5.In this regard, this Court is of the opinion that the revision is to be filed before the competent authority for redressal of the grievance and enquiry is to be conducted with reference to the documents and original records. Such an enquiry cannot be conducted by the High Court under Article 226 of the Constitution of India. The order of the Deputy Registrar is the one passed orders based on the complaint submitted by the petitioner. When a statutory remedy is available under the provisions of the Act, the aggrieved persons are bound to approach the statutory authority in the manner prescribed and by following the procedures contemplated. Accordingly, quashing the order passed by the respondents cannot be the ground to entertain the writ petition and even against such an order, the parties are bound to approach the competent statutory authority for the purpose of exhausting the remedy. The competent authority has to conduct an enquiry by summoning the witnesses as well as the original documents and thereafter, pass an order on



merits and in accordance with law. If any revision is filed by the petitioner, it is for the competent authority to conduct enquiry by affording opportunity to all the parties concerned and pass orders as early as possible.

6. With these observations, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (Crl Side)

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/ /2020

Sub Assistant Registrar(CS)

rmk

To

1. The Registrar of Co-operative Societies,
EVR Periyar High Road,
Kilpauk, Chennai.

2. The Deputy Registrar,
Co-operative Societies,
Aruppukkottai Town,
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3. The Special Officer,
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Co-operative Primary Agricultural & Rural
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@ M.Reddiapatti, Arupukkottai Taluk,
Virudhunagar District.

+1 CC to M/s.D. SHANMUGARAJA SETHUPATHI, Advocate (SR-19831[F]
dated 13/10/2020)

+1 CC to M/s.GP (SR-19903[F] dated 13/10/2020)

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12.10.2020

sj(CO)

KK(28.10.2020) 3P 6C