



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2020

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.14360 of 2014

and

M.P (MD) .Nos.1 and 2 of 2014

and

W.M.P (MD) .No.4353 of 2019

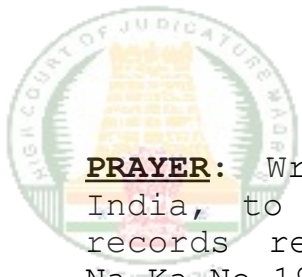
V.Natarajan

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
rep by its Secretary to Government,
Co-operative Department,
Secretariat,
Chennai-600 009.
- 2.The Registrar of Co-operative Societies,
N.V.Natarajan Maligai,
170, Periyar E.V.R.Salai,
Kilpauk,
Chennai-600 010.
- 3.The Joint Registrar of Co-operative Societies,
Velunachiyar Compound,
Collectorate Complex,
Dindigul.
- 4.The Deputy Registrar of Co-operative Societies,
11, State Bank Colony,
Nehruji Nagar,
Dindigul.
- 5.Mr.Rajavelan
- 6.Mr.Babu
- 7.The President,
A.2952, Malayagoundanpatty Primary
Agricultural Co-operative Credit Society,
Malayagoundanpatty-624 208,
Nilakkottai Taluk,
Dindigul District.
- 8.The President,
A.2190, Jambuduraikottai Primary
Agricultural Co-operative Credit Society,
Jambuduraikottai-624 206,
Nilakkottai Taluk,
Dindigul District.

... Respondents



PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, call for the records relating to the order passed by the 4th respondent in Na.Ka.No.1907/2014/ku.Na. Dated 23.07.2014/28.07.2014 and quash the same and consequently, direct the respondents to disburse the pending duty pay and leave salary of Rs.4,94,208/- due to the petitioner for the period from 01.07.2005 to 31.12.2010 along with 18% interest from the due date of salary to the actual date of payment, within a time limit to be fixed by this Court.

For Petitioner	: Mr.A.Thirumurthy
For R1 to R4	: Mr.G.Arjunan
	Government Advocate
For R7	: Mr.RM.Makesh Kumaravel
For R8	: Mr.VOS.Kalaiselvam
For R5 & R6	: No appearance

ORDER

The relief sought for in the present writ petition is to call for the records with reference to the order impugned dated 23.07.2014 passed by the fourth respondent and direct the respondents to disburse the pending duty pay and leave salary of Rs.4,94,208/- due to the petitioner for the period from 01.07.2005 to 31.12.2010 along with 18% interest.

2.The writ petitioner joined the service as an Attendar in the Co-operative Society/7th respondent on 03.12.1980 and thereafter, promoted to the post of Clerk, Senior Clerk and Assistant Secretary and thereafter, retired from service on 30.04.2011. The grievance of the writ petitioner is that leave salary and duty pay are yet to be settled and in this regard, he had filed a petition before the fourth respondent/the Deputy Registrar of Co-operative Society, who in turn passed the impugned order in proceeding dated 23.07.2014/28.07.2014 explaining certain circumstances and the financial situation being faced by the Co-operative Society.

3.This Court is of the opinion that with reference to the service matters and service disputes of the employees of the Co-operative Society, any order passed by the Board or the Secretary or otherwise is to be adjudicated before the competent revisional authority under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983. In other words, the statutory remedy provided under the Co-operative Societies Act is to be exhausted before approaching the Court of Law. The Deputy Registrar of Co-operative Society is not competent to settle the service disputes of an employee working in the Co-operative Societies. However, the Deputy Registrar, in the present case, has passed an order explaining certain circumstances for the non-payment of dues to the writ petitioner. He has stated the financial condition of the Co-operative Society and their inability to settle the amount. Therefore, such an order would not provide any cause for the purpose of filing the writ petition.



4. The learned counsel appearing on behalf of the 7th respondent, relying on the counter affidavit, made a submission that the seventh respondent is ready to settle the agreed pay and the arrears of salary of Rs.2,73,151/- for the period from July 2005 to December 2008 without any further delay. As far as the eight respondent Society is concerned, the learned counsel appearing on behalf of the 8th respondent made a submission that the entire amount has already been settled in favour of the writ petitioner and therefore, there is no due to settle any further.

5. This Court is of the opinion that certain factual disputes now raised by the writ petitioner cannot be adjudicated in the writ petition under Article 226 of the Constitution of India. Such disputed facts are to be adjudicated by filing documents and by verifying the original records. For the purpose of such adjudication, the aggrieved persons are bound to approach the statutory authority by filing a revision petition under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983. Contrary, this Court in a writ petition cannot adjudicate or verify the original records by conducting a trial for the purpose of resolving the disputes. As far as the 7th respondent/Co-operative Society is concerned, they have agreed to settle the arrears of salary of Rs.2,73,151/-. However, the 8th respondent failed to disburse any further payment to the writ petitioner. This being the factum, this Court is inclined to pass the following orders:

(i) The 7th respondent is directed to pay the agreed amount of arrears of salary of Rs.2,73,151/- to the writ petitioner within a period of two weeks from the date of receipt of a copy of this order.

(ii) The writ petitioner is directed to approach the competent authority under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983, with reference to the disputed issues for the purpose of redressal of the same.

6. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

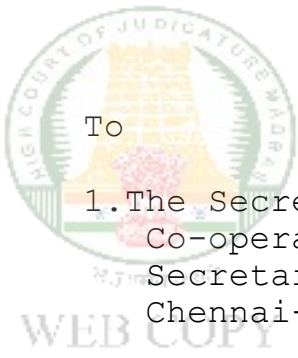
Sd/-

Assistant Registrar (crl side)

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/ /2020

Sub Assistant Registrar(CS)



To

1.The Secretary to Government,
Co-operative Department,
Secretariat,
Chennai-600 009.

2.The Registrar of Co-operative Societies,
N.V.Natarajan Maligai,
170, Periyar E.V.R.Salai,
Kilpauk,
Chennai-600 010.

3.The Joint Registrar of Co-operative Societies,
Velunachiyar Compound,
Collectorate Complex,
Dindigul.

4.The Deputy Registrar of Co-operative Societies,
11, State Bank Colony,
Nehruji Nagar,
Dindigul.

+1 CC to Mr.V.O.S.KALAI SELVAM, Advocate (SR-20886[F] dated
03/11/2020)

+1 CC to Mr.R.M.MAKESH KUMARAVEL, Advocate (SR-20853[F] dated
02/11/2020)

+1 CC to Mr.A.THIRUMURTHY, Advocate (SR-20855[F] dated 02/11/2020)

+1 CC to SPL GP (SR-21160[F] dated 04/11/2020)

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