



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.1933 of 2014

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- 1.Kennady Peter Perinbadas
- 2.D.Yesuthangam
- 3.T.Nadarajan
- 4.S.Ramakrishnan
- 5.S.Gopala Krishnan
- 6.R.Paulraj
- 7.K.Chinnathurai
- 8.I.Murugesan

... Petitioners

Vs.

1. The Secretary to Government
Co-operation, Food and Consumer Protection Department,
Secretariat,
Fort St.George,
Chennai.
2. The Registrar of Co-operative Societies,
170, Periyar EVR High Road,
Kilpauk, Chennai - 10.
3. The Joint Registrar of Co-operative Societies,
Kanyakumari Region,
at Nagercoil.
4. The Deputy Registrar of Co-operative Societies,
Nagercoil,
Kanyakumari District.
5. Karavilai PACCS Ltd., 1570
Represented by its Special Officer,
Karavilai

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, by directing the respondents to categorize the Karavilai Primary Agricultural Co-Operative Credit Society from C Class to B Class and revise and consequently revise the salary of the petitioners from the category of C class to B Class retrospective from 01.04.2008, as contemplated by Circular No.42 of 2009, dated 02.12.2009 issued by the 2nd respondent within a reasonable time to be fixed by this Court.



For Petitioners : Mr.M.Palani Raja
For Respondents : Mr.P.Mahendran
(R1 to R5) Addl.Govt.Pleader
For Respondent-5 : No Appearance

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O R D E R

The relief sought for in the present writ petition is to direct the respondents to categorize the Karavilai Primary Agricultural Co-operative Credit Society from 'C' Class to 'B' Class and consequently, revise the salary of the petitioners from the category of Class 'C' to Class 'B' retrospectively from 01.04.2008, as contemplated by Circular No.42 of 2009, dated 02.12.2009, issued by the 2nd respondent.

2. Admittedly, the writ petitioners are working in a Co-operative Society. The co-operative Society is registered under the provisions of the Tamilnadu Co-operative Societies Act, 1986. The 5th respondent Society is not a State within the meaning of Article 12 of the Constitution of India. Thus, the service disputes or grievances sought to be redressed by exhausting the remedy provided under the provisions of the Tamilnadu Co-operative Societies Act. No writ petition can be entertained against the Co-operative Societies, in view of the principles laid down by the Larger Bench of this Court in the case of **K.Marappan Vs. Deputy Registrar of Co-operative Societies** reported in **2006 (4) CTC 689**. The employees of the Co-operative Societies are bound to exhaust the statutory remedies for redressal of their grievances.

3. This apart, classification of a co-operative Society is done based on the financial capital and other transactions, which is a policy. The Government has issued orders regarding the classification of Co-operative Societies. The employees may not have any right with reference to the classification done in respect of the Co-operative Society. However, if they are aggrieved with reference to the payment of salary, the employees are at liberty to approach the competent authority, more specifically, by filing a Revision under Section 153 of the Tamilnadu Co-operative Societies Act. Contrarily, this Court in a writ petition cannot direct the respondents to categorize the Karavilai Primary Agricultural Co-operative Credit Society from Class 'C' to Class 'B'. Such a classification cannot be altered by filing a writ petition, which is to be done by the competent authority, by verifying the requirements. This being the principles to be followed, the writ petition cannot be entertained and the petitioners are at liberty to redress their grievances in the manner prescribed and by following the procedures contemplated.



4. With these observation, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar(CS)

MPK

To

1. The Secretary to Government
Co-operation, Food and Consumer Protection Department,
Secretariat,
Fort St.George,
Chennai.
2. The Registrar of Co-operative Societies,
170, Periyar EVR High Road,
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3. The Joint Registrar of Co-operative Societies,
Kanyakumari Region,
at Nagercoil.
4. The Deputy Registrar of Co-operative Societies,
Nagercoil,
Kanyakumari District.

+1 CC to the SPL GP (SR-21147[F] dated 04/11/2020)

W.P. (MD)No.1933 of 2014
02.11.2020

KG(CO)
CS(10.11.2020) 3P 6C