



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.2810 of 2015

S.Shanmugam

... Petitioner

Vs.

1.The Joint Registrar,
Co-operative Societies of
Dindigul Region,
Dindigul.

2.The Deputy Registrar,
Co-operative Societies of
Shunmugapuram, Palani,
Dindigul District.

3.The Special Officer,
DD 521, kanapadi Agriculture Co-operative
Society,
Kanapadi & P.O.,
Dindigul District-624 802.

... Respondents

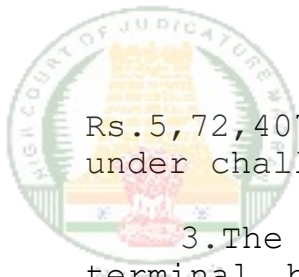
PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the respondent in Na.Ka.No.639/2014/Sa.Pa dated 01.04.2014, quash the same and consequently, direct the 1st respondent to disburse the arrears salary and other terminal benefit amount of Rs.7,88,754/- with eligible interest within a time limit that may be stipulated by this Court.

For Petitioner	: Mr.G.M.Xavier
For R1 and R2	: Mr.D.Muruganandham Additional Government Pleader
For R3	: Mr.S.Seenivasagam

ORDER

The relief sought for in the present writ petition is to quash the order dated 01.04.2014 passed by the Joint Registrar of Co-operative Societies stating that the terminal benefits due to the writ petitioner is Rs.5,72,407/- and in respect of the encashment of earned leave, the calculation could not be done in view of the service records are not available.

2.The Joint Registrar of Co-operative Societies stated in his order dated 01.04.2014 that the terminal benefits will be settled by the Society on installments considering the financial condition of the Society. It is made clear that the terminal benefits of



Rs.5,72,407/- will be settled on installments and the said order is under challenge.

3.The contention of the petitioner is that the amount of terminal benefits of Rs.7,88,754/- is settled in favour of the petitioner along with interest.

4.The learned Additional Government Pleader appearing on behalf of the respondents 1 and 2 made a submission that the Society has already sent cheques, as per the order of the Joint Registrar, dated 01.04.2014 and the cheques sent to the writ petitioner were returned by him as 'refused', such an attitude of the petitioner cannot be appreciated. He is at liberty to receive the amount sent by the Society and for the remaining amount, he can adjudicate the matter. Contrarily, the conduct of the petitioner in receiving the cheque is to be deprecated.

5.This Court is of the considered opinion that the calculation dispute regarding the arrears to be settled cannot be adjudicated in the writ petition filed under Article 226 of the Constitution of India. All disputed facts are to be adjudicated before the competent authority by verifying the original records and other details. Such an adjudication of disputed facts cannot be entertained in a writ proceedings and the said disputes are to be resolved only through an adjudication, based on the evidence and documents. The writ petitioner in this regard, shall approach the competent authority under the provision of the Tamil Nadu Co-operative Societies Act, by properly filing a revision petition, so as to conduct an enquiry and to pass appropriate orders. In this regard, the Joint Registrar of Co-operative Societies, has already passed an order and therefore, the petitioner is at liberty to approach the Registrar of Co-operative Societies for adjudication. The Registrar of Co-operative Societies, in the event of filing any such petition, shall entertain the same and pass appropriate orders on merits and in accordance with law.

6.In this view of the matter, the petitioner is at liberty to adjudicate the disputes by approaching the competent authority under the provision of the Tamil Nadu Co-operative Societies Act.

7.With these observations, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



1.The Joint Registrar,
Co-operative Societies of
Dindigul Region,
Dindigul.

2.The Deputy Registrar,
Co-operative Societies of
Shunmugapuram, Palani,
Dindigul District.

+1 CC to M/s.S.SEENIVASAGAM, Advocate (SR-23303[F] dated 30/11/2020
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W.P. (MD)No.2810 of 2015
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MR (CO)
KB (17.12.2020) 3P 4C